

PRINCIPLES OF CIVICS

for

Intermediate Classes

by

ARAIN GUPTA, M.A. (ECON.), M.A. (POL.), LL.B.

and

KRISHNA, M.A. (POL.), M.A. (HIST.), LL.B.

SIXTH EDITION

KITAB MAHAL

ALLAHABAD

BOMBAY

Rs. 5/-

FIRST	EDITION (750 COPIES), 1941
SECOND	EDITION (1,100 COPIES), 1942
THIRD	EDITION (1,100 COPIES), 1944
FOURTH	EDITION (2,000 COPIES), 1946
FIFTH	EDITION (1,000 COPIES), 1948
SIXTH	EDITION (1,000 COPIES), 1950

Copyright

No portion of this book may be reproduced in any form without permission in writing from the publishers except by a reviewer who wishes to quote brief passage in connection with a review for inclusion in any periodical or newspaper.

Printed by M. Manzur Ahmad, at the Modern Printing Works,
101, Hewett Road, Allahabad &
PUBLISHED BY KITAB MAHAL, 56-A ZERO ROAD,
ALLAHABAD.

PREFACE TO THE FIFTH EDITION

War had its own effect on paper which we have been forced to economise in this edition by deleting all the summaries and closing up the matter. We assure the readers that the book remains as useful now as it was before.

KITAB MAHAL }
July 12, 1948 }

PUBLISHERS

PREFACE TO THE SECOND EDITION

That the first edition of our book, published late in July last year when most of the students finish up with the purchases of their books, has been soon exhausted, is a sufficient proof of the warm reception that has been given to our book by the teachers and students of civics alike, throughout this province. We are bringing out a revised edition of our book, in the belief that the teachers and students of civics would continue to extend the same patronage to our work, as they have done in the past.

We regret that we have not found sufficient time to revise the book to the extent we wished. Even then, much new material has been incorporated and a few chapters have been entirely rewritten. We have also made the summaries more elaborate and added a few more questions at the end of each chapter. We thank our students Mr. Ved Prakash, Tribhuvan Nath, Kamta Pershad, Mool Chand and others who have helped us in the preparation of our manuscript. We shall feel obliged to our readers for any suggestions or criticisms that they may offer to enable us to improve upon this book.

July 18, 1942 }

RAJ NARAIN GUPTA
BAL KRISHNA

EXTRACTS FROM THE PREFACE TO THE FIRST EDITION

We have written this book primarily with an end to meet all the requirements of students in Intermediate Civics. Of all the books available in the market on this subject there is hardly any covering all that is prescribed in the Intermediate Syllabus. We have attempted to come up to it and have tried to answer all the questions generally set for this paper in the Intermediate Examination of various universities and boards. The student will find brief summaries with a list of questions at the end of each chapter, highly useful to him.

Besides, the book can be recommended with profit to general readers who want to know fairly well about this 'Science of Social Engineering.'

MUZAFFARNAGAR, }
June 7, 1941 }

RAJ NARAIN GUPTA
BAL KRISHNA

CONTENTS

Book I

INTRODUCTION

CHAP.		Pages
I	<i>Introduction</i> —1. Meaning and Definition of Civics. 2. Scope of Civics. 3. Utility of Civics. 4. Nature of Civics. 5. Methods of Civics. 6. Relationship of Civics with other Sciences	1

Book II

SOCIETY AND STATE

II	<i>Society and the Individual</i> —1. Necessity of society. 2. Nature of relationship between society and individual. 3. Origin of society. 4. Evolution of society. 5. Constitution of modern society.	26
III	<i>Institutions and Other Social Forces</i> —1. Institutions. 2. Education. 3. Punishment. 4. Property	52
IV	<i>Communities</i> —1. Village. 2. City. 3. Nation. 4. The world community. 5. Classes. 6. Caste system. 7. Problem of loyalties	67
V	<i>Associations</i> —Why men move in associations? Various types of social organisations—Classification of Associations	93
VI	<i>Family</i> —Functions of the Family. Conditions and success of the family life—Rights and duties of the family members	102

<i>State</i> —1. Meaning and elements of state. 2. State distinguished from other terms. 3. Necessity of state. 4. Nature of political obligation ...	112
<i>Origin of the State</i> —1. Divine origin theory. 2. Force theory. 3. Social contract theory. 4. Patriarchal theory. 5. Matriarchal theory—Historical or evolutionary theory—organic theory ...	129
<i>Sovereignty</i> —Nature—Attributes—Criticism Different aspects ...	142
<i>Law</i> —Nature of positive laws—Kinds of positive laws—Kinds of other laws—Law and Ethics—Natural and positive laws—Physical and positive laws—Sources of law—Distinction between good and bad laws—Conditions under which state laws can be disobeyed ...	150
<i>Constitution of the State</i> —1. Meaning and necessity of constitution. 2. Classification of constitution ...	160
<i>Classification of State and Government</i> —Classification of states. 2. Old classification of Government—Aristocracy—Democracy—Merits, kinds, and the future of democracy. Modern classifications of governments Cabinet government and its main feature—Presidential government and its main features, defects of both—Merits and defects of presidential form of Government—Merits and demerits of Federal Government—Future of Federalism, merits and defects of Unitary Government—Test of a good Government ...	170

XIII	<i>Nature, End and Functions of the State</i> —1. Nature of the state. 2. The end of the state. 3. Theories of state functions. 4. Actual functions of the state	203
XIV	<i>Theory of Separation of Powers and Organs of Governments</i> —1. Separation of powers. 2. Organs of Government.	222
XV	<i>Organisation of Democracy</i> —1. Problem of Franchise. 2. Methods of election	240
XVI	<i>Political Parties</i> —Basis of formation of political parties—Parties in India—Functions of political parties—Advantages—Demerits of party system	264
XVII	<i>Public Opinion</i> —Importance—Public opinion under Democracy and Dictatorship—What is public opinion—Hindrances to the creation of sound public opinion—Conditions for the expression and formation of a sound public opinion—The case for India—Agencies for the formulation and expression of public opinion—The press—Platform—Political parties—Literature—Radio and cinema—Educational institutions—Elections—Religious associations	270
XVIII	<i>Local Self-government</i> —Utility—Conditions of success—Principle of division of power—Centralisation vs. decentralisation—Municipal boards—District boards—Village panchaits—Sources of income of local boards	284

CHAP.	Pages
XIX <i>Citizenship</i> —Determination of citizenship—Natural born citizenship—acquisition of citizenship—How lost—Virtues necessary for good citizenship—Hindrances to good citizenship—How to remove hindrances ...	297

Book III

PRINCIPLES OF SOCIAL ORGANISATION :	
XX <i>Rights and Duties</i> —1. Nature of rights. 2. Kinds of rights. 3. Classification of rights ...	313
XXI <i>Liberty</i> —1. Nature of liberty. 2. Kinds of liberty ...	337
XXII <i>Equality</i> —Arguments against—Correct view—Kinds—equality and liberty—Necessity of liberty ...	345
XXIII <i>Nationality</i> —The case for national self-determination—Internationalism—conclusion ...	352
XXIV <i>Civic Ideals</i> —Imperialism—Defects—True ideal ...	357

BOOK I

INTRODUCTORY

CHAPTER I

INTRODUCTION

§ 1. MEANING AND DEFINITION OF CIVICS

Man a social animal. Every human being, man or woman, aged or child, is found from birth to death, to be living or working with his fellow beings. In the home and the village, in the factory or the field, in the school or the church, men live and learn, work and achieve together. This living together is the great fact of human life.

Possibilities of conflict in social life. It produces many important consequences in life and raises important problems. One of these problems is the discovery of the conditions under which men can live and work together to the greatest advantage of each and all. This problem arises because there is no natural harmony or identity either in the interests or the beliefs of men who live and work together. Every individual has his own desires to satisfy and purposes to fulfil.

Many of these desires and purposes of the individuals are similar in character. Each individual, for example, seeks to satisfy hunger, to cover his body, to live in a sheltered house, to enjoy and to play. These are desires common to all human beings. But there are many other desires of men which are not common to all, but are shared only by a few. Some men, for example, have a passion for books, while others do not like them. Some like to play cards while others hate them. Some are lovers of wine, while others never touch it. It is quite possible that individuals possessing these dissimilar desires may

come into conflict with other individuals or groups of individuals. An individual, for example, who likes to play on harmonium and sing loudly at midnight is likely to come into conflict with his neighbours who want to sleep at that time.

They are not dissimilar desires only that lead men into conflict among themselves. Similar desires may also produce conflict if the material for their satisfaction is not sufficient to satisfy all the human beings. Hunger, for example, will lead men to fight among themselves, for the securing of food during a period of famine and scarcity

These are not only the desires and purposes of men that may bring about conflict and collisions among them. A bad arrangement for the satisfaction of these desires may also produce this result. No individual, unless he is mad, wants to strike or collide with another individual going on the same road on which he is walking. But if there is no arrangement or rule for the use of the road by the pedestrians and the vehicles, there would occur collisions between the vehicles and individuals at every minute during the day or night. It is thus obvious that many possibilities of conflict and discord exist among those who have to live and work together.

Conflict and discord, however, defeat the very purpose of living together. Men live and work together, as we shall see later on, for achieving more with lesser effort and in shorter time, than they would if they lived and worked in isolation. But conflict leads to that waste of energy and time which one party to the conflict has to devote for the destruction or defeat of the other. Further, conflict heightens selfishness and suspicion among those who hate to live together. Living together, however, can be sweet and useful, only, when and if, all have affection for and confidence in each and all. It is thus obvious that conflict within a group of men makes it difficult for them to live and work together.

Civics is the science which seeks to remove conflicts in social life. The need, therefore, exists for the discovery and study of those conditions under which the possibility of conflict and discord among men living together is minimum, and under which men may be able to live together a life in which each can realise all his potentialities and get the highest satisfaction. It is the study of such conditions which is the main problem of civics. In other words, its main task is to formulate those conditions, the fulfilment of which is essential, if each and all of those who live together are to derive the best and highest good out of their lives. How to live together in harmony and peace, how to organise human life for progress and civilisation, how to eliminate the avoidable conflicts and discords present in human society, how to organise welfare and material comfort for each and every individual; such are the questions that civics seeks to answer.

It is the science of best possible social life. The above statement, in our view, gives a fairly accurate idea of the main problem of civics. We may therefore define civics as a science which studies the conditions of the best possible social life. There are, however, many other definitions of civics given by other writers. All such definitions convey, directly or indirectly, the same idea. Civics has, for example, been defined as the science of Rights and Duties. Gould has defined it as "The study of institutions, habits, activities and spirit by means of which a man or a woman may fulfil the duties and receive the benefits of membership of a political community". Puntambekar defines Civics as the science and philosophy of citizenship.

On an analysis of all these definitions, it would be found that they convey partially or wholly the same idea, which is contained in our definition of Civics.

§ 2. SCOPE OF CIVICS

Civics does not merely deal with city life. The precise scope of the subject has not been **agreed upon**

so far. In the opinion of some thinkers civics is the study of neighbourhood or of city life. This idea about the scope of civics is probably drawn from the historical affiliations and etymological significance of the term civics. This term is derived from a Latin root *civicus* meaning the affairs of a city. Again, the science had its rudimentary origin in the Greek and Roman city states. Republic of Plato may not unfairly be termed as the first and a most penetrating treatise on the subject. It is, therefore, quite natural that civics may be understood to refer to cities only. In our opinion this is a false and a very and in any case narrow view of the subject. The above view had some validity in the age of city culture. In those days the city was more or less a self-sufficing entity. Within its four walls there was security, culture and happiness. Outside these walls there was conflict, strife and death. In other words, the boundary of the city was that of civil life as well. This, however, is not the case today.

The Extension of Social Life in Our Times. Social life in our times has crossed the walls of the city and is spread over the whole world. The revolution in the means of communication caused by the invention of the railway engine, steamship, telephone, telegraph and radio, has brought all parts of the world very close to one another. The industrial revolution has again made the different countries of the world inter-dependent on one another. Finally, the discovery of the printing press and the rise of modern science has given birth to a world culture diffused in all the countries. It would not be inaccurate to say that the goods, the songs and the ideas of the whole world are pouring in the cities in which we dwell, and the entire world labours to satisfy our wants and beautify our lives.

It is, therefore, impossible to understand city life in its full significance without having a reference to the influence of world on it. It is also wrong to formulate the principles of correct living in society on the basis of city life alone. *Hence we may say that civics studies*

not only the village and the city, but also the nation and the world.

It studies society as it is. Correctly speaking, the scope of civics is co-extensive with social life. In the first place, it includes the study of society as it is. This is, by itself, quite an extensive enquiry. Modern society, as will be shown later on, is a very complex organisation. It is the function of civics to undertake a study of the various organs of society in their bearing on the social whole. In other words, it studies the importance of the various associations, in and through which, human beings organise their life. This incidently involves a brief survey of their organisation and working. Again, it is the function of civics to assess the importance of the various institutions by which social life is regulated. Further civics has to study the nature and importance of the various communities into which human society is divided. *Civics thus studies all the associations, institutions, and communities into which social life is organised.*

It studies society as it has been. In the second place, civics undertakes a brief survey of the past social life. No study of the present can be complete or adequate without a reference to the past. The present social life has also been influenced by the past social institutions. It came into being to meet certain needs and under the stress of certain situations. It is essential, therefore, that a bird's eye-view of the past evolution of social life be undertaken to get a clear meaning and significance of the present. Further a review of the past enables us to know the defects which were present in our past social life and in the light of that experience to mend our present.

It studies society as it ought to be. Finally, civics not only undertakes this social survey, but also seeks to apply it to social service. It is not merely descriptive but also normative in character. It seeks to draw up an ideal of social organisation to which all social life is to approximate, and in the light of which, all social

institutions are to be criticised and evaluated. It lays down the ideal for which the citizen is to live and die. It thus seeks to inculcate the right way of social life and inspire a devotion to the community in the heart of the citizen. Civics is thus also a social philosophy. Its task is not, however, to draw up utopias, but to discover the possibilities of social development, and in the light of this knowledge to consciously influence that development.

Conclusion. Its scope is thus vast. Essentially speaking its task is to discover and establish the conditions of social harmony in the light of all human knowledge and the most satisfactory human ideal. It is, says White, "essentially a subject of connections, it links all times and periods as parts of the long chain of achievements beaten out by civilisation; it connects all subjects as part of the life-story of mankind; it carries everydaylife into the school and study; and it joins the needs of today to the results of yesterday and the hopes of tomorrow". It is, to quote White again, "the subject that deals with everything appertaining to citizens: past, present and future; local, national and human". In short it studies man in relation to field and factory, to home and neighbourhood, to God and man, to nation and the world, to culture and civilisation. It studies his past achievements, his present struggle and his future aspirations and in the light of all these, lays down the condition of his success and happiness.

§ 3. UTILITY OF CIVICS

Usefulness of civics for the general public. The science of civics may properly be said to be the master science, that is a science on the study of which depends the proper use and benefit of other sciences. We have shown above that possibilities of conflict exist in human life. These possibilities can be minimised if the relations between individuals and groups of individuals are based on those conditions which are essential for their co-operation and co-ordinated working and

living. In other words, it is only when men have learnt the true principles of living together that they can carry on their activities whether economic, political, cultural, religious or recreational, with the greatest benefit to all. In the absence of the knowledge and practice of these principles, any advance in the knowledge of men may prove, as it is proving today, extremely dangerous to mankind. We find today that science has placed tremendous powers in the hands of man. Man today employs as his servants such forces of nature as electricity and steam. He has not only his bodily organs but also machines of steel and iron to work with. His powers for good and evil, for creation and destruction, have been increased tremendously. But these powers of men are being utilised for exploitation of the weaker by the stronger, the poorer by the richer, and for the destruction of men and their works. This is so because the principles of right living have not been grasped by men so far. They use their powers, therefore, blindly. Man today has, so to say, an axe with which he can dig priceless treasures. But in his blindness he is cutting by it the very branch of the tree on which he is sitting. The study of civics is thus essential for the proper use of the powers that men possess today. It is essential for bringing about harmony and co-operation in their lives. Men have so far suffered from want, misery, diseases and destruction of all they value, because they could not grasp the potentialities of co-operative effort or of working in unity. They could not and cannot even today work together because they do not know the mysteries of this art. Civics provides them with the requisite knowledge of living and working together, and it encourages the development of the spirit which makes such living possible to the greatest extent. *It is, so to say, the science of social engineering.* It gives us the principles which must be followed in the construction of our social life and the spirit which must pervade those who are to live in it. Just as a building will not prove durable and safe unless it were constructed on the principles of building engineering, similarly

social life can never be good unless it rests on the principles of civics.

The study of civics, therefore, is essential for every individual of whatever colour, caste, creed or sex he or she may be. Its importance has, however, increased in modern times. This is so because modern social life is extremely large in its scale and perplexingly complex in its structure. In the past, social life was confined more or less to the village, the city and the tribe or the caste. In other words an individual used to live and work together with only those who were residents of the same village or the city or members of the same caste or guild. The life of people residing outside such villages or towns, had either no or very little effect on his life. He could easily know the conditions of living peacefully and harmoniously with his neighbours. These neighbours were known to him personally. He could easily adjust himself to them without being under the necessity of studying elaborately the principles of right living. Social life was then simple, and a layman could easily philosophise about it. But now, as we have already shown, the whole world has become one city. It means that the life of each man is today influenced and determined, not only by the life of his immediate neighbours in the village or the city, or his immediate relations within the family or the caste, but also by the lives of all other men in the whole world. He cannot easily adjust himself to this vast ocean of men. Further, our life is changing at a speed at which it did not in the past. Inventions crowd upon inventions and what was good and useful yesterday becomes useless today. Finally, our social organisation is so complex and intricate that it can be fully understood only after a long study. The modern man cannot, therefore, hope to live correctly unless he is specially informed of the principles of doing so. The study of civics, therefore, becomes of crucial importance under modern conditions.

Usefulness for students. The study of this import-

ant science must begin in the school. The child has to inherit the problems as well as the possessions of his ancestors. The students of today are the citizens of tomorrow. The future rulers of my country, says a proverb, 'are sitting on school benches today.' These are students of today who will control the reins of administration in their respective countries tomorrow. They will enter the legislatures, the cabinets, the district and municipal boards and all other administrative bodies. It is therefore necessary that our students are fully acquainted with the working of the governmental machinery and the principles of civic life.

This is all the more necessary because the minds of young men are more plastic and impressionable than those of grown-up people. They can easily learn new things whereas the latter cannot. If the principles of civic life are taught to students, and if they begin to live on them in their life they would grow up to be intelligent and useful citizens. Much of the present misery and chaos of the modern world is due to the fact that those who are in the seat of power today did not systematically pursue the study of the principles of civic life in their childhood. All this would change if the youth of our times imbibed such principles.

Special utility of the subject for Indians. It is needless to remark that the teaching of civics is extremely essential in India. This country suffers from many social diseases such as untouchability, *paidah*, illiteracy, etc. No intelligent scheme of reforms can be drawn up unless the citizens have learnt the principles of citizenship. On no other condition can social reform be intelligently planned or effectively carried out. Any progress of the country in the social sphere, therefore, depends on a diffused knowledge of civics.

There is another reason which makes the study of civics very essential for the Indian people. The so-called Hindu-Muslim problem in this country, which partly finds expression in periodical outbreaks of

violent riots between the two communities involving loss to property and life, cannot be adequately solved, unless all the Indians learn and digest the principles of citizenship. It is largely because people suffer from ignorance about the true ways of social life that they indulge in violence, which does good to none.

Finally, in India, the advent of partial representative government renders it essential for Indian youngmen to learn the principles which form the basis of a true civilised and social life. It is they who will have to legislate for their country, and it will be on their legislation and policies that the social fate of the country would depend. If they seek to be social architects without knowing the A. B. C., of social engineering they would only expose themselves to ridicule and the country to a disaster. Civics is the science of social engineering and its study is thus absolutely essential for every man and women, who wants to live an intelligent social life and play his or her part intelligently in the life of society—whether local, national or international.

Conclusion. We may conclude by saying that civics is the door to an earthly paradise. Man has always dreamt of the 'Kingdom of God' or of the 'paradise on earth.' This paradise can be entered only through a true knowledge of the principles of right social living, that is to say, through a knowledge of civics. We may not be understood, however, to assert, that a mere knowledge of civics would affect this transformation. We are quite conscious that it would also depend on the heart that men and women bring to their tasks. What we assert is, that the misery wrought in this world by human blindness in the realm of social life would have been eliminated largely by the science of civics.

§ 4. NATURE OF CIVICS

Whether a science or an art or both. We have seen the importance of civics in any scheme of education. We must now consider the place civics occupies in the classification of knowledge.

All human knowledge may be roughly divided into four classes : Abstract, Physical, Biological and Social. The first includes the science of mathematics and metaphysics—both dealing not with things so much, as with concepts and ideas. The second includes all knowledge relating to the physical phenomena, such as physics, chemistry, etc. The third includes all those sciences which relate to life in its various forms and manifestations, such as Botany, Zoology, etc. The fourth includes all those sciences which study social life in its various forms.

Civics falls into the fourth of the above classes of human knowledge, that is to say, it is a social science.

Objections against civics being termed a science.

Some thinkers consider that the knowledge relating to civic life can never be called a science. According to them only that branch of knowledge can be termed a science which can lay down exact and unchanging laws about the objects of its study, and which can make accurate predictions about their future behaviour. In other words, no branch of knowledge can be termed a science which cannot measure accurately. Civics cannot fulfil this test. It cannot lay down laws that are absolute and unchangeable. Its knowledge is more or less an imperfect guide to a citizen. We will indicate the reason for this later on. It is this fact which leads such people to deny civics the status of a science. According to them, civics partakes of the nature of an art. *Art means the application of knowledge to real life.* It is a matter of practical skill. As it depends on the practical skill of a citizen to act correctly in his social life, it is asserted by these people that civics is an art and not a science. No amount of book knowledge can enable a citizen to discover the true path in social life. Walking in the path of righteousness is like walking on the edge of a sword—is a remark made by a prophet. Any success in this respect depends not on what one knows, but on what plasticity of character he possesses.

Civics an art. 'This view has some truth in it. A person who possesses profound knowledge of civics may not necessarily be a good citizen in practical life. It is the character and temperament of a person which largely determines whether he would be a good or bad citizen. We find today, deeply learned men living a life of crime. We find again many, whose education has made them social Hamlets—incapable of any action whatever. In short, we do recognise that true civic life is an art, which only those can practise with success who are born with a genius for it. In this respect, it can be said, that the knowledge of social life bears resemblance to the knowledge relating to painting or music. Civics in this sense is no doubt an art.'

Civics also a science. But this does not mean that civics ceases to be a science on that ground. When we say this, we do not mean that civics is a science, in the sense that, it can lay down positive and immutable laws which remain true for all time and all countries. We only mean, that it is a science because the true meaning of science is *systematised knowledge*. The term science is given a very narrow significance by those who consider it as nothing else but measurement. If this definition were accurate, many highly useful sciences as Meteorology, would cease to be considered as sciences. Civics is a science because it can be studied systematically and it can lay down tentative laws regarding the conduct of human beings in society. Its study can be pursued without prejudice or passion. We, therefore, come to the conclusion that civics is a science.

Civics not as exact as physical sciences. We may however point out that it is not as exact as the physical sciences, such as physics or chemistry are. There are a number of reasons which bring about this difference.

(1) *Civics Deals with Complex Social Phenomena.* Firstly, the physical sciences deal with phenomena which are simple in character. This simplicity enables the physicist or chemist to discover the cause of an

effect with certainty. Social phenomena are, on the other hand, extremely complex in character. It is not always possible to find out with certainty the causes behind certain social phenomena or evils prevalent in society. For example, if we say that Indian labour is paid low wages because it is inefficient, our statement may be true, but then, it is also true to say that, Indian labour is inefficient because it is paid low wages. This reciprocity of cause and effect causes possibilities of error in our conclusions. An exact science on the other hand lays down definite statements which do not admit of such possibilities.

(2) *It Deals with the Changing Nature of Man.* Secondly, the physical scientist deals with objects or phenomena that have constant or static properties. An atom of hydrogen had the same properties 2,000 years ago, as today. Any conclusions about it would thus be valid for all time to come and can be verified by the repetition of experiments. This is not possible in the case of social sciences. The atom of society, i.e., man, changes to a certain degree from time to time and place to place. Any conclusions about him, therefore, cannot be valid for all men and all times.

(3) *Human Senses not as Exact in Measurement as Mechanical Instruments.* Thirdly, the physicist can take the help of mechanical instruments like physical and chemical balances, which are made much more perfect than human senses usually are. The social scientist does not possess such instruments for collecting data. This again makes the margin of errors greater in social sciences than is the case with physical sciences.

(4) *Social Scientist Deals with Ethical Objects not Unethical.* Finally, the social scientist has to deal with objects charged with ethical values for man, whereas the physical scientist has to deal with objects which are unethical in character. The atom of hydrogen does not convey with it any idea of good or bad to the observer. One can deal with it quite objectively.

A marriage institution on the contrary has associations of good or bad. The human mind is prejudiced about its nature and usefulness, consequently, it cannot be dealt with as objectively, as the atom can be. This again introduces the possibility of error in the science of civics.

Nature of the laws of civics. Civics can, therefore, only reveal the tendencies of social life, its conclusion can only be provisional and tentative. It cannot lay down fixed, inviolable or immutable laws, like those of physical sciences. Its laws are only statements of general tendencies. They, however, enable us to have a better understanding of social life than we would otherwise possess.

§ 5. METHODS OF CIVICS

The methods of civics are the same as of any other rational enquiry. Generally speaking, a student of civics has to impartially collect data relating to civic life, arrange and classify them, and finally to draw conclusions from them. But the nature of civics requires varying applications of this general method.

The following are the various methods that are adopted for this purpose :—

- (1) Historical method. (2) Observational method.
- (3) Comparative method. (4) Experimental method.

(1) *Historical Method.* History is the store-house of social facts. It gives us the picture of many societies and institutions and the story of many experiments, conscious and unconscious, that man has been performing in his social life of the past. By a study of the past social life of a man, inferences and conclusions can be drawn about the nature of the social phenomenon and the usefulness or otherwise of particular social institutions and associations. History thus provides a key whereby the mysteries of the social process can be unlocked.

Historical method has however, to be used with great caution. History seldom repeats itself. What happened in the past may not happen again. Consequently, history cannot provide us necessarily correct conclusions for the present day social life. It has often a tendency to unduly emphasise the past as against the future. As such, it becomes a handmaid of conservatism. In order to wield adequate results, it must be combined with the method of observation.

(2) *Observational Method*. It means the study of the present day social phenomenon at close quarters. The working of social institutions is closely observed and then, an attempt is made to learn their inner working. The observations must be spread as widely as possible. All prejudices and passions must be banished from the minds of the observers and they must undertake the study of social facts of different countries with sympathy, broadmindedness and understanding. Only then the working of social life can be revealed to him.

A Miss Mayo type of investigation can only increase ignorance and heighten passions. It cannot bring out the truth. Consequently, the method of observation can be used only as a supplement to the historical method and the comparative method.

(3) *Comparative Method*. It is a companion to the method of observation. It seeks to discuss, by the comparison of social processes, the true nature of these facts. Here again comparison must be, as far as possible, of similar institutions that have grown in approximately similar circumstances.

(4) *Experimental Method*. Finally, in social life experimentation is also adopted. Every new institution that is adopted, is a sort of experiment on human life. Only the field of experimentation is social life of man, and the laboratory is the universe. Experiments are occurring in social life at every step and at every moment. The conclusions, however, that are arrived at are only provisional in their nature. Social sciences cannot lay down final truths.

We may, therefore, conclude by saying that all the methods noted above should be sensibly combined to secure adequate results.

§ 6. RELATIONSHIP OF CIVICS WITH OTHER SCIENCES

Civics is intimately related to all other social sciences. The reason is that all of them deal with various aspects of social life of man. It may be said that they constitute different branches of but one science—the science of man. Consequently, each social science is dependent for its conclusions on the information it gets from other sciences. The relation between one social science and the other is usually one of foundation and the superstructure over it. This is pre-eminently the case with civics. It rests on the foundation provided by other social sciences. In other words, the other social sciences provide the bricks with which the building of civics is erected. This does not mean that civics is nothing but a mixture of the borrowed knowledge of these sciences. It is much more than that. It weaves into an organic harmony the material that it gets from these sciences and also that which it collects independently. In any case it weaves them into a pattern, the design of which is determined by itself. In other words civics utilises this material for deducing certain conclusions essential for the solution of its own problems. It is thus obvious that they constitute the basis of civics, but are not identical with it. Civics ultimately remains distinct and different from all these sciences. These remarks apply to the relationship of civics to all sciences, whether social or physical. We have now to consider the relationship that civics bears to the social and physical sciences, such as, History, Psychology, Economics, Politics, Sociology, Geography and Biology:

✓ *History and Civics*, “History” says Harrison, “is the biography of civilised man.” It describes the progress of human ideas and human institutions under the influence of environment, whether physical or artificial. It tells us how man came to be what he is today. It is

the record of all that man has done or thought in the past. In order to understand the nature and importance of present day social institutions, civics has also, as already stated, to undertake the study of the past. It has to survey briefly the previous biography of these institutions. Further, civics has to base its judgments partly on the lessons of history. History gives us the many experiments man has performed in the past, and these experiments partly inform us of the usefulness or otherwise of the institutions which were subjects of these experiments. There used to be, for example, schools which were entirely under church control in the past. Man knows today the effects of such schools have had on the general tenor of social and individual life. He can use this knowledge in drawing any scheme of social reconstruction. It is thus obvious that much of the knowledge of civics is historical in character.

This does not mean, however, that civics is nothing but a piece of history. It *differs* from the latter in one important respect. It does not merely describe how man has lived, laboured, thought and dreamt, struggled and striven in the past to build up a better life, but it also describes the ideal which men ought to follow in the social sphere. It is not merely informative, it also inspires men with devotion and love to the good social life. History, on the other hand, merely describes; it does not set up the ideal of organisation or conduct. It is descriptive, not normative in character. Again history contains much material which is not useful for civics. It contains, for example, the store of art and literature which has no direct bearing on the civic life of the people. In short, the problem of civics is the study of good civic life, while that of history is to know all about the past life of humanity. We thus came to the conclusion that civics, though it differs from history in its problems, borrows from the latter (1) much of its raw material; (2) the key to understand the nature and importance of modern social institutions; and (3) the requisite knowledge of the past social experiments of man which enables it to perform its work

intelligently. History, so to say, is one of the important foundations of civics.

Civics and Psychology. 'Psychology' says Stout, 'is the science of mental process. It studies those faculties of man which enables him to feel, to think and to work in his life. It discusses in detail the conditions which govern these processes of human personality, and their constituent elements. The entire social life of man is partly the product of those processes of mind. Man sets up a family because he loves a woman and gets pleasure in her association. He joins a college because he feels curiosity about the things that come in his way and wants to know all about them. He builds temples because he feels devotion to a Power which governs his life. It is thus obvious that social life is conditioned and determined to a certain extent by the mental life of the people. The study of social life cannot, therefore, be correct and adequate unless the secrets of the mental process and its effects on the organisation of society are taken into consideration. It means that civics has to study the psychological life of the people, whose social organisation it is seeking to understand and harmonise. Naturally civics has to borrow from psychology the generalisations relating to the conditions determining and influencing the material process and also its constitution.

But again, this does not mean that civics is nothing but a branch of psychology. It *differs* from the latter in its fundamental problem. The latter studies the constitution of the mental process and the conditions determining it, but does not concern itself with the harmonising of social life. Civics, on the contrary, deals with the latter problem only and refers to the mental process only to adequately solve the problem. It uses only that part of psychology which has reference to the working of group consciousness. It goes further and uses this knowledge for the replanning of social life. It is thus obvious that, though civics borrows much of its material from psychology, it is different from the latter. It can be said without exag-

geration, however, that psychology is another important foundation of civics.

Civics and Economics. Economics is the science that studies the nature of wealth and its production, distribution, consumption and exchange. The happiness of individual and the peace of society depend on the secure and liberal satisfaction of the wants that are part and parcel of the life of every man. No human being, for example, can feel contented or happy if he does not get food to satisfy his hunger. Such a man will not only be miserable in his personal life, he will also be a source of danger to his neighbours. He may steal what he needs from the house of his neighbours. It is thus obvious that material security is essential for individual welfare and social peace and progress. Economics is the science that studies the ways in which man can earn a decent living and thus lead a happy and contented social life. Civics, on the other hand, studies the principles according to which the life of an average man in this world can be made virtuous and happy. This material happiness can be secured if social life is organised on a correct understanding of economic principles. Civics has, therefore, to borrow these principles from economics. But this does not mean that civics is the same thing as economics. They differ from each other widely. The main concern of economics is the study of wealth in relation to man whereas, the main problem of civics is social harmony. Civics deals with many matters other than economics. Similarly, economics studies many matters which have no direct connection with civic life. It remains, nevertheless, true that economics constitutes a third important base of civics.

Civics and Politics. The relation of civics and politics is as intimate, if not more, as it is with other social sciences. Political science, says Garner, is the science of the state. Civics, on the other hand, is the science which deals with the best possible social life of man. Now the state is, as we shall see later on, one of the most important agencies that sanctions and

maintains the conditions of good social life. It is the instrument which maintains law and order in society and thus paves the way for the development of culture and civilisation. No good social life can be possible without a well organised state. Civics has, therefore, to study briefly the state in its relationship to the social organisation. Naturally, it takes all this knowledge from political sciences.

But this does not mean, as some thinkers believe, that civics is on this account, elementary politics. This idea in our opinion, arises because both civics and politics etymologically mean the same thing. Civics, as we have already stated, is derived from a latin word *civicus* meaning the affairs of a city. Politics comes from Greek term *Polis* which means a city. Both of these terms, therefore, originally signified the science and art of public affairs. But the two terms now convey quite different meanings. Politics today deals with state i. e., with the organisation that compulsorily regulates and co-ordinates the external and social activities of individuals and groups of individuals. Civics, on the contrary, is used to denote the science that studies social life from the point of view of its harmony and progress. It is thus obvious that the fundamental problem, and consequently the scope, of politics and civics differs : (1) Politics is a specialised science dealing with every detail relating to the state. Civics, on the contrary, is a general science that considers the state only in so far as it affects the life of the community. (2) Politics studies only one association, i. e., the state. Civics, on the other hand, studies all the associations in which men live and move. It studies not only the state but also the family, the university, the church, the trade union and such other bodies. It studies not only the village, the city, the nation but also the world community.

It is no doubt true that some social philosophers consider that civics studies only the neighbourhood or the city or the village life. But we have already indi-

cated that in our view it is too narrow and to misunderstand the problem of civics. We feel that civics signifies today not so much the science of city life as that of social life. In our view, therefore, the distinction between civics and politics is one of the subject-matter rather than of emphasis or of degree. It is thus obvious that civics differs from politics. It remains, nevertheless, true that politics contributes much to civics.

— *Civics and Sociology.* There is much difference among sociologists about the definition of this science. We can, however, roughly define sociology as the science that studies the origin, evolution, constitution and problems of the entire associated life of man. Further, it considers the great effect that living and working together of human beings produces on life. It is thus the science of society. Civics, on the other hand, as has been seen above, concerns itself with only one problem of social life, i.e., the problem of social harmony. Naturally it has to study the origin, evolution and constitution of society. It thus borrows very largely its materials from sociology. It is for this reason considered to be the child of sociology.

— *Civics and Ethics.* Ethics studies the problem of ideal good and the ways or modes in which it can be achieved. In other words, it describes what is right for an individual to do and to feel, and what is not. It also describes the test by which the rightness or wrongness of an action is to be determined. Ethics is primarily concerned with the individual life. But it has to consider the social good also because individual is social in character and is consequently influenced by social environment. Civics has also to study the ideal good because it is concerned with the description of the conditions under which social life can be good. Naturally civics becomes partly a study in ethics. It benefits from the generalisations of ethics to a great extent.

But this does not mean that civics is identical with ethics. It differs from the latter inasmuch as it is

concerned mainly with conditions of social harmony as against the latter which has mainly to do with the highest good. Civics therefore contains matter which is different from that of Ethics. Civics, for example, studies such rules as, going on the left of the road, etc., which have nothing to do with the ethical life of the community.

Civics and Religion. We may now consider the relation of civics to religion. It is difficult to give a definition of religion which will exactly cover all its complex elements. It can be said, however, that religion mainly deals with the relationship of man with his creator—the God—and the principles that can bring eternal happiness to man by securing his union with God. Religion emphasises that moral and spiritual value, such as love, sympathy, charity, service, etc., are the only values that bring lasting bliss and salvation to men. The entire social life of men depends on these virtues. It is only when men has faith in these virtues, i.e., when he believes that his highest good consists in practising them, that social life can be good and effective. It is thus obvious that civic life ultimately rests on the solid rock of religion. There cannot be good civic life in a community which has lost its religious faith. Civics has thus to consider the importance of religion. It has to reinforce it by inspiring the citizens with the same virtues which religion inculcates. But it does so with a view to establishing the kingdom of God in the earthly life of man. It can thus be said to be the earthly religion reinforcing and supporting the heavenly and divine religion.

But civics is not wholly religion in character. This is so because religion concerns itself with the spirit of man only. It does not deal with institutions. Religion, for example, affirms that the kingdom of God is within the heart of every man, and he can realise it only if he conformed his life to righteousness and virtue. But civics goes further. It indicates that the kingdom of God is not purely moral in character, it is also institutional in constitution. Civics, for example, lays down

that there can be no peace and satisfaction within human life unless the relations of man to man are organised under certain principles and in certain ways. Civics thus differs from religion in the study of the institutional life of the community. It also differs from the latter in its emphasis on earthly happiness as against heavenly bliss. In other words the concern of civics is the happiness of man in this life and that of religion is the salvation of man in the life after death.

Civics and Geography. Geography is the science that studies the elements of the physical environment in which a community lives and the effect such environment has on the individual and social life on the community. It studies, for example, the climate, the contour of the earth's surface, the flora and the fauna, the mineral and agricultural resources of a country. Further, it also studies the technical changes made by man in that environment. The geographical and technical conditions affect the life of the community in many ways. The fertility of the soil, for example, determines whether the people will be agricultural or industrial. Again, the climate determines whether the people will be hardworking or lazy. Rivers provide easy means of communication and subsequently influence the life of those who live on their banks. A large part of the population of the earth dwells in India and China because these are fertile countries. In short, art and literature, dress and food, government and laws, all have on them the influence of geographical environment. It is thus obvious that civics has to study these geographical conditions.

But here again it is necessary to bear in mind that civics is not merely a branch of geography. Geography and civics *differ* because their problems are different. The former studies mainly the physical environment, while the latter is concerned only with the influence of that environment on social life. Many facts of geography have, therefore, no relation to civics. Similarly, the latter considers the conditions of social harmony while the former has nothing to do with them.

Civics and Biology. Biology is the science of life. It describes the conditions favourable for the development of life, and also the course of the long evolution it has gone through. Social life is but a part of life as a whole, and is influenced and determined to a certain extent by the conditions that influence the development of life. A group, for example, which is well nourished and well adapted to its environment is likely to be successful as against a group of men which is ill-nourished and ill-adapted to its environment. It is thus obvious that civics must study the conditions which operate in the biological sphere. It gets this knowledge from biology, and is subsequently dependent on it. But civics and biology also *differ* in important respects. Civic life is to a great degree different in character from the life of the animals as such. Social life transcends the limitation from which the animal life suffers. The animal, for example, is dependent for its existence, purely on the food available in nature. He cannot produce it by his efforts. But social life has enabled man to produce food in an organised fashion. This means that man is not under the need of roaming after animals in order to feed himself. All men can share in the food produced by them. It is thus obvious that the problem of civics is very different from that of biology.

TEST QUESTIONS

1. Explain the subject matter of civics and briefly discuss its scope and methods. (U. P., 1930)
2. What is the justification for teaching civics at college? (U.P., 1919)
3. What is the importance of the study of civics in modern social life? Explain the relationship and difference between civics, politics and economics (U. P., 1939)
4. Define civics. Explain clearly how civics is related to sociology, ethics and history? (U. P. 1941)
5. What do you understand by the term civics? How is the subject related to politics, economics and ethics? (U.P., 1928, 1934)
6. Explain the relationship between civics and history. What (U. P., 1937)

7. Distinguish the province of civics from that of politics and religion.
(U.P., 1941)

8. Explain the proposition that civics or politics should be studied after the manner of exact sciences like physics or chemistry.
(U.P., 1928)

9. Is civics a science or an art or both ?

10. What is the nature of the laws of civics ? How do they differ from the laws of physical sciences ?

11. Civics is the application of social survey to social service. Discuss.

BOOK II

SOCIETY AND STATE

CHAPTER II

SOCIETY AND INDIVIDUAL

Meaning of Society. The one great fact which we encounter in human life is the living together of human beings and their working in co-operation for a common purpose. Men live, for example, in large numbers in cities and villages. They work together to produce the goods necessary for the satisfaction of their needs. They play together in order to enjoy their leisure hours. They help each other in protecting themselves from dangers and enemies. They support those who are unable to support themselves. The parents look after children at a time when the latter cannot take care of themselves. The medical practitioner nurses those who are sick in body. In short men live with one another for many purposes.

This living and working together of human beings gives birth to many kinds of relationship amongst them. Such relationship may be momentary or enduring, organised, or unorganised. There exists for example, a temporary relationship between two persons who have met to talk on some subject of common interest. Two friends have an enduring relationship among themselves. The relationship of the student to his college is an organised one, while that of a member of a mob to another member is an unorganised one. Such relationships between two or more than two human beings are termed social. Society is then the infinitely interwoven series of relationships existing between different human beings. It may, therefore, be defined as the sum total or to be more accurate as the complex of all associations and institutions through which human beings seek to realise their common ends.

§ 1. NECESSITY OF SOCIETY

The first question that we have to answer is about the need and necessity of society. Can't we live alone and solitary, free from the worries and dangers which we encounter in society? Would it not be better for men to live in solitude free from the burdens and blows, sorrows and sighs, failures and frustations, of social life? Is not a solitary life in a 'Garden of Eden' preferable to the maddening turmoil of the social world? These and similar questions have arisen in the minds of thinkers in all countries and at all times.

Indian thinkers, specially, have given considerable thought to this problem. Many of these thinkers have come to the conclusion that a life of solitude and complete withdrawal from the society of men is the best for human beings. But such a view is untenable because, it does not take into consideration the nature and needs of men. Human life is so constituted that man can neither survive, nor can achieve a high cultural satisfaction and mental progress except through the medium of society.

A. Society necessary for physical existence. Firstly, human life cannot survive except through co-operation. Society is essential for the existence of man for the following reasons :

(1) *For the Provision of Food for Infants and Adults.* Every individual requires nourishment or food for the maintenance of his life. One may be able to drag on for a few days without taking any food. But no individual, however strong he may be, can live after a few days without food. It is the prime necessity of man to secure for himself sufficient food whenever he feels the pangs of hunger. It is no doubt true that a single man can secure fruits from wild trees by his own unaided efforts and thus can satisfy his hunger. But he will encounter great difficulties in doing so. In any case this supply of food will not be continuous as it will soon be exhausted. Further, it would always be subject to the

vagaries of weather. Such a man would, therefore, live in a permanent danger of famine. Further, there are periods in human life when a single individual cannot even gather fruits from trees. During infancy the human baby is unable to do anything for itself. It cannot digest anything except milk which it can get only from its mother. The child has, thus to depend on the mother for its survival.

It is this helplessness of the human baby that accounts for the high development of social life among men. Again, during sickness no individual can secure nourishment for himself by his efforts alone. In such a condition he requires the help of others to secure food. This is also the case in the old age. It is thus obvious that man, for one reason or the other, requires the co-operation of others to secure the food essential for the satisfaction of his hunger.

(2) *For Protection Against Wild Beasts.* Bread enables a man to live. It does not enable him to protect himself against the attack of wild beasts. No man, however strong he may be, can hope to successfully save himself from the attack of the tiger or the wolf. It is needless to say that children, the sick, the old etc., cannot protect themselves against the wild animals. Nature has not given man the sharp teeth and claws which may help him in his struggle against the wild beasts. His only way of safety lies in numbers and artificial weapons. Unity is strength, division weakness, this proverb is seen to be true under such conditions. The making of such weapons as guns and rifles requires the co-operation of many individuals. Thus it is obvious that society alone gives man the strength to fight successfully against his enemies of the brute world.

(3) *For Protection Against Bad Weather.* Finally, man requires a place where he may sleep without any danger of attack and without any disturbance. He requires a place where he may take rest whenever he needs it. He can do so only within the four walls of

a house. The house shelters him not only from the wolf and the lion, but also from the rain and the storm, the lightning and the snow. But a house cannot be built by a single individual by his unaided efforts. Its building requires implements which can be manufactured only by many individuals co-operating among themselves. Similarly, man requires clothes for his protection against weather. The manufacture of these also requires co-operation among men.

In short, it can be said that co-operation is the mainspring of life. In other words, man needs society for the continuance and survival of his life. This conclusion is reinforced all the more by the consideration of animal life. In the struggle for existence those animals have succeeded better which have had some kind of social life as compared to those who lived a solitary life. The birds and the bees have succeeded in the struggle for existence better than lion and the tigers. Man differs from other animals in leading a very highly developed social life. His survival, therefore, has become almost completely certain as against other animals.

B. Society is natural for man. Man lives in society not only because of its high survival value, but also because it is the medium for his emotional and instinctive satisfaction. The basic instincts of man cannot find any expression in isolation. They require the presence of like beings—like bodied and like minded—for their satisfaction. The biological instinct of man requires the association of man and woman and is probably the cause of the first human association, the family. The paternal instinct requires for its satisfaction the presence of children. The instinct of command can be satisfied only when one has others to lord over. The instinct of play can be realised in the company of others. In short, all these instincts demand the presence of others for their satisfaction. The truth is that man feels fully satisfied and pleased only in the presence of like persons. A completely solitary man is

the most wretched and miserable creature. His life is empty and burdensome.

It is for this reason that solitary confinement is considered to be the most severe form of punishment that may be inflicted on a criminal. One may say, without any exaggeration, that the best definition of hell is an eternal solitude. The fact is that the mere presence of like beings gives pleasure and satisfaction to a man. This fact becomes obvious when a man meets another after a prolonged solitude. Again it is evidenced in the joy one feels in meeting his countrymen in a foreign land. This truth was pointed out long ago by Aristotle, the great Greek philosopher, in this remark, "Man is a social animal by nature". It is also said for the same reason that man is a gregarious or group forming animal.

C. Society is essential for the well-being of man. Finally, a life of civilization, of culture, of plenty, of peace, and order, is possible only within society. It is possible to conceive of a solitary existence of man, but such a solitary life of man would be, in the words of Hobbes, "nasty, brutish and short". There would be, neither peace nor security, neither culture nor civilization, in such a life. But co-operation and division of labour provide such opportunities to man as enable him to become the crown of creation.

(1) *Society Promotes Civilization.* In the first place, co-operation promotes civilization. Civilization means the greater control of man over his environment, geographical and institutional. It consists in the power of man to refashion the world in which he lives, in such a way as to make his life comfortable and secure. It finds expression in such instruments of comfort as railways, steamships, airships, radio, telephone, banks, etc. But this control over environment can be possible only when man knows its secrets and possesses the capacity to utilise knowledge for using this environment for his greater advantage than what he gets from it otherwise. Co-operation enables man to have such a knowledge and capacity.

(2) *It Makes Possible Acquisition of Knowledge.* Co-operation enables mankind to have a stock of knowledge which men living singly could never have acquired. A single man, however much intellectually gifted he may be, cannot hope in his short life to know all about everything. He cannot, for example, know all about the stars and the sky; the animals and the men, the numbers and the notes, land and oceans. In short, he cannot be a master astronomer, biologist, mathematician, geologist—all at once. He can master only a small section of one of these sciences. It can, therefore, be said that if each man had lived alone he would have succeeded in knowing only a little of the secrets of nature. But man possesses today a vast stock of knowledge because he had lived in society. Men have divided their labours and devoted themselves to the different sciences. Each one of them has made his contribution to the common stock. Human knowledge has thus been extending and expanding on account of the contributions of thousands of scientific workers in all ages.

(3) *It Makes Possible Preservation of Knowledge through Ages.* Human knowledge could not be preserved if man had been living a life of solitude. Under such a condition whatever knowledge a man possessed would have been finally lost on his death. It could not have been communicated from generation to generation. But society enables man to pass over his knowledge to the succeeding generations. Human knowledge is thus saved from being lost to future generation.

(4) *It provides Leisure Necessary for the Acquisition of Knowledge and the Pursuit of Truth.* An isolated man will have to devote so much of his time and energy for the satisfaction of his bare needs that he will not find any leisure to pursue the arts and sciences. Society, however, enables men to divide their labours in such a way that some produce the means of subsistence, some protect the community from dangers—external and internal, while others devote themselves entirely to the pursuit of knowledge. Society thus enables

class of men to search the truth in perfect peace, security and plenty.

It helps the discovery of truth in another way also. The mind of man is stimulated and inspired when it comes into contact with other minds. A man in isolation would lack this mental stimulus and subsequently would not be able to act vigorously. But in society this reaction of mind to mind is constantly going on. New ideas are born and new inventions made on account of this conflict and contact of minds. Society is thus seen to be the foundation of a civilised life.

(2) *It promotes Culture and Develops Language.* It also promotes the development of culture. Culture consists in the devotion of the human spirit to the worship of the Truth, the Beautiful and of Good. It finds expression in such things as painting, music and dancing. Men can devote themselves to cultural pursuits only when the problem of their livelihood has been fully solved. Society does it. Society is thus the foundation of a cultural life. Further society provides the medium of cultural expression. An isolated man would probably learn no language. He would not be able to express himself so clearly as language enables him to do and consequently, his cultural expression would remain incomplete and stunted. Society on the other hand, enables men to communicate ideals and sentiments through the medium of language. It thus enables the human spirit to express itself. "Society," remarks MacIver, "is the refuge of the human spirit." Society also preserves the culture of each generation and transmits it to the succeeding generation. It thus enables each generation to benefit from the thoughts and emotional experiences of the past generation. The cultural ideals and forms are enriched by the intermingling of the labours of many peoples and many generations. The Indian and Persian styles of painting, for example, by their contact during the reign of Mughals, gave birth to a new school of painting.

(6) *It Promotes Economic Development.* Society also provides economic plenty. Men working in co-operation have succeeded in solving the problems of production. Formerly, men could not by their labours produce sufficient for the satisfaction of their needs. They lived under the danger of famine. But the extension of co-operative effort in modern times and the development of large scale industry and scientific agriculture has enabled men to produce a quantity of goods which is more than men require for the satisfaction of their needs..

(7) *It Provides Conditions of Law and Order.* Society also enables men to have better order and justice than would otherwise be the case. The state maintains law and order and thus secures to men the conditions of their welfare.

Conclusion. It can therefore be said that society is the medium through which men can live and progress. It is "the extension of individuality, the vehicle of personal identity, the means of the development of the personality through generations, the nurse of youth, the aroma of manhood and womanhood, the repository of the gathered customs and filtered traditions of men, the summed experience of life". It enables men not only to live happily and successfully in the present but also to transmit the result of their toils and thoughts to the future generation. It enables man to create a new world around himself. It makes him the master of the forces of nature. It enables him to enslave electricity, bridge the rivers, cross the deserts, leap over the mountains and fly in the air. In short, it makes him the "crown of the creation".

§ 2. NATURE OF RELATIONSHIP BETWEEN SOCIETY AND INDIVIDUAL

The importance of society to the individual should not lead one to conclude that it is something separate from and superior to the individuals who live in it. Society, as already stated, is nothing but a condition

of human life. It is a way of living. Whenever men live together or work in co-operation for any common purpose they constitute society. Society is thus in its members. It exists in their minds and hearts. It is founded in their sentiments, feelings, thoughts and emotions. If men could simultaneously surrender all their instincts that demand the presence of others, society would cease to exist. It is thus a special aspect of human life. It is man viewed from the view-point of co-operation and inter-dependence. In other words, human life has two aspects—the social and the personal or the individual. The social aspect is that in which man does something in co-operation, while individual is that in which man does something by himself alone. Society is thus not something opposed to the individual. It completes and complements the individual life.

Organismic theory of society. There is another view, however, which considers society to be an independent entity in itself—distinct and separate from the individuals who constitute it. This theory is known as the organismic theory of society. According to this theory the relation between the individual and society is organismic in character. The idea of an organismic relation can be adequately given only when the meaning of organism is correctly understood. The idea of an organism can be derived by considering the constitution of the human body. It consists of many parts such as hands, foot, head, etc., joined together. But it is not merely an arithmetical sum of these parts. The human body cannot be constituted by merely heaping together all the parts that make it up. On the contrary, it is only when these parts bear a particular relationship to one another that we can get the form of the body. Even then the body would not be able to function. It is only when that elusive force, which is called soul or spirit, is present in the body that it functions. It is only when this life force or soul or spirit is there, that the various parts come to have their significance and utility. We may, therefore, say that the unity of the human body comes

not from the joining of the parts but from the life force of the soul which is prior to and independent of the parts. We thus come to the conclusion that *an organism is a system consisting of independent parts, each of which functions and grows by virtue of and in relation to the whole.* This system possesses a unity of its own which is prior to the unity of the parts.

The believers in organismic theory of society think that the relation of society to the individual is of the same kind as the relation of an organism to its parts. According to them, society possesses its own unity, life, will and ends, which are independent and superior to those of its individual members. It is a giant individual embracing within it all those who were, all those who are, and all those who shall be. It is the mother in whose womb the generations find their birth.

Analogy Between Society and Animal Organism.

This view is supported by an elaborate analogy drawn between society and animal organism. The structure and evolution of society are shown to be quite similar to those of animal organism, and the conclusion is drawn that both are similar in nature.

(a) *Similarity in the Structure of Society and Animal Organism.* The analogy between the structure of society and an animal organism has been drawn by a number of eminent thinkers, including Plato, Cicero, Marsiglio, Hobbes and Spencer. The last named specially went to fanciful lengths in this comparison. We can give here only a brief summary of the views of these political philosophers.

(1) They point out that society, like the animal organism, consists of cells—these being the individuals in the case of society. Just as the life of an organism continues through the destruction and reproduction of its cells, similarly, social organism continues through the birth and death of its individual members. The continuity of its life is, thus, never broken and it continues on to live.

(2) Animal organism consists of parts, each of which is dependent on the proper functioning of the others as well as of the whole. This is also the case with society. It consists of various classes and functional groups each of which is dependent for its proper functioning on that of the other groups and of the whole.

(3) Animal and social organism both possess a similarly differentiated and integrated organisation. Both of them have a sustaining system consisting of alimentation in the animals and production in society, a distributive system consisting of circulatory apparatus in the animal and transportation system in society, and a regulatory system consisting of the nervous system in the animal and government and armies in society.

(b) *Similarity in the Growth of Society and Animal Organism.* The organic theorists not only find similarity in structure between the society and an organism, but they also believe that the factors and process of growth of both are the same.

(1) Both animal and social organism grow from a simple organism to a complex one. As the lowest animal is all stomach, respiratory surface or limb, so primitive society is all warrior, all hunter, all hut builder or tool maker. But in course of evolution the simple and homogeneous animal organism grows into the complex human body. Similarly the primitive society grows into the complex and heterogeneous modern society.

(2) The evolution of both animal and social organism takes place by adjustment to environment. The animal develops according to the environment in which it lives—its colour for example being determined by the latitude of its residence. Social organism also develops by adjustment to environment, for example, in far stretching plains empires rise, while in hilly countries small states develop.

(3) The animal and social organisms are both subject to the process of development, decay and death. The animal grows from small beginnings, reaches maturity, then declines and dies. This is also the case with society. It gradually attains a high pitch of civilisation, then it becomes defective, and finally its civilisation disappears or dies.

Conclusion : Society an End. The advocates of this view, therefore, come to the conclusion, on the basis of the above analogy, that society has the same nature and character as the animal organism. They conclude accordingly, that individual is merely a means for the welfare of society. The statement 'who lives if India dies,' echoes this view. The individual, in their opinion, has no rights of his own, separate from that of society. His good consists in the good of society and he has only duties to society—no rights against it. The greatest thing that an individual can do is to discharge with effect and enthusiasm, the duties of his station in society. If the individual is poor, he must not grudge but remain contented with his lot, in the belief that his misery is essential for the welfare of his society. He must unquestioningly sacrifice all that he possesses and values, if his society asks him to do so. He must march to the battle, singing, if his society declares war on another. He must cultivate the virtues of discipline and obedience, and must always desire not his happiness, but the happiness of his country.

Criticism of the organic theory. (1) *It is One-Sided.* This view of the nature of relationship between an individual and society cannot be accepted. It is true, that society and animal organism bear resemblance in certain respects, but, it is quite wrong that they are identical in their structure or evolution. There are many important differences between the two, the ignoring of which leads to wrong conclusions. /

(2) *It Ignores the Points of Difference.* The main objection against the organismic theory is, that it ignores the points of difference while it emphasises

only those of similarity : that it gives only one side of the picture and not the other. It consequently arrives at conclusions which are not only false but are also extremely dangerous. The truth can be discovered only when both the sides of the picture are taken into consideration.

(3) *Society Differs in Structure from animal Organism.* Firstly, society differs in its structure from that of animal organism in two vital respects ; (a) An animal organism has one centre of consciousness. It reacts to the stimulus as a whole. All its feelings, thoughts and wills are centred and unified. This is not the case with society. It does not possess one centre of consciousness. Every individual has his own way. Society thinks, wills, and acts through numerous individuals, and not as one body. It cannot have any action or thought or feeling which is apart from that of all the individuals constituting it. (b) Again, the component parts of an organism have no will or reason or moral capacity, or sense of good and bad. The hand or the foot has no will of its own apart from that of the body. They are mechanical in their constitution. But such is not the case with the individuals constituting society who have all these as their chief characteristics.

(4) *It Differs in the Nature of its Evolution.* Society differs from animal organism not only in its structure but also in the nature of its evolution : (a) Animal organism grows from within. In its case growth means the expression of what was already inherent in it. The seed is the tree in miniature. But society develops by accretion. It grows from without. Its evolution is not emergent in character. (b) Again, animal organism is the product of prior organism. For example a child is born of a father. This is not the case with society. (c) Finally, animal organism is subject to death. This again is not the case with society. Society never dies because it is inherent in the nature of man. Civilisation may decay but it cannot completely disappear so long as men live.

Conclusion. The theory is, therefore, false, in the form in which it is usually stated. But it emphasises one important truth—and it is that society is not merely a mechanical apparatus for the service of man. It tends to have its own value which we must take into consideration, if we are to rightly understand the relation of an individual to it.

Contract theory of the relation of an individual to society *Society is a Human Contrivance and as such a Means to Human Welfare.* There is another school which considers society not as anything natural to man but as purely artificial or voluntary. According to this school individuals have set up their social organisation for the realisation of their ends, just as they have built roads for communication or the electric system for lighting. They may, at any time, abolish their society if they find it useless or harmful to their personal interest and happiness. The happiness of the individual is really the end for which all social relations exist.

Criticism. This view contains a large element of truth, but does not give us a true understanding of the nature of the relationship of man to society. This view often leads the individual to the belief that his chief concern is not service of others but his personal gain. He becomes an exploiter instead of being a true citizen. Again it makes society purely a voluntary and artificial system. But as already shown society is natural for man.

The true theory. *Society is Both Natural and Artificial.* The true idea, about the nature of relationship between an individual and society, can be derived neither by considering society as artificial, nor as the Great Individual—the all-embracing and all-including God on earth. It has already been shown that social relations are partly a product of nature and partly a product of need. We live with others because it is necessary for our physical satisfaction, and we work with others because it is necessary for our physical satisfaction, and we work with others because of our

economic or civilisational needs. Our social relations are thus, partly natural and partly voluntary or artificial. We cannot eschew all social relations though we can leave some of them.

Society is Both End and Means.—It is futile to speak of society having ends which are distinct from those of all its members. Society has no such ends for the simple reason that it has no mystical existence of its own, apart from that of all its members. It exists in them and not outside them. It is, as MacIver rightly points out, a feeling in the mind of each human being. If all people could surrender their social feelings at the same time, there would be no society. We can speak only of the good of the individual as the end of all social effort. But this does not mean that I can consider my neighbour as means for my good. It only means that each individual's happiness is the end of all social efforts. It further means that each individual has to work not only for his own happiness but also for the happiness of others. This is essential because each benefits from the others and therefore must labour for them. In other words, each individual should labour not only for his own good but also for common good. The same thing can be expressed by saying that all the individuals should labour for the good of each other. This truth may be roughly expressed by the statement, that society and individual are both ends and means of each other—of course understanding by the term society, all the individuals taken together and not any mystical entity. Society progresses through the progress of the individuals composing it. At the same time it is the society which provides the individuals with opportunities for advancement and self-realisation. There is thus no anti-thesis between the individuals and society. Both exist for each other.

§ 3. ORIGIN OF SOCIETY

There are various theories about the origin of society. The most important of them are : (1) The Divine origin theory, and (2) The Historical evolutionary theory.

Divine origin theory. This theory starts with the assumption that there is a superhuman power which regulates the affairs of man. It declares that society of man in all its aspects was made by this superhuman power, God, and that it is this power which sustains society. According to this theory, man has had no hand in the framing of his associations and institutions. All these are a gift to man from God. His station and his membership in society are fixed by God and he has no discretion in the matter.

The Divine Origin Theory has had a long history and an extensive sway, but in modern times it has lost its importance because it is full of serious defects. The theorists mean to say that the church, the economic associations, the state, the religious groups, etc., in their existing form, have been made by God and hence there must not be any disturbance in their present form. The divine theory has thus thrown a halo of sacredness over human institutions. It thus became a justification and plea for conservatism. For example, it is on the basis of this theory that the institutions of caste system, untouchability, etc., are defended in India. Institutions, instead of becoming the channels of expression, have strengthened the chains of man.

Criticism. The theory rests on false assumptions. It ignores the fundamental law of change and the history of the long evolution through which human associations and institutions have passed before assuming their present shape. It makes man merely a puppet of divinity and a passive and powerless figure in social life. The truth, however, is, that man today is making constant social experiments to improve his life.

Social contract theory. Another theory traces the origin of society in human agreement. This theory is known as the social contract theory and we shall give its detailed discussion in a later chapter. It is sufficient to indicate here that this theory conceives of a state of nature prior to the civil life of man. In this state, man is believed to have been living an isolated and solitary

life. He depended on himself alone for the satisfaction of his needs and the maintenance of his rights. This state of nature was of peace according to some and war according to others. The golden age of peace could not last long as with the increase of population means of subsistence became scarce and people out of selfishness began to fight amongst themselves for securing the means of livelihood. Peace disappeared. War began. Therefore, men felt the necessity of some organisation to establish peace and order. All people therefore collected together and entered into a contract to form a society for preserving law and order and to protect life, liberty and property.

This theory rightly emphasised that social life is a means for the satisfaction of the needs of the individuals. It is, however, rejected for the reasons given in the detailed discussion of the theory in a later chapter.

Instinct theory. The truth is that society is neither a product purely of God, nor a mere contrivance of man. It arises, as has been shown earlier, out of the nature and needs of men. We cannot speak of its origin at any definite period of time because it has always been with man. It is ingrained in the nature of human personality. The instincts of man demand the organisation of society for their satisfaction.

Historical evolutionary theory. This theory declares that society is a product of a gradual evolution spread over many centuries. It did not come into existence at any one particular time. It has been of a slow growth. We can trace it even among the pre-human ancestors of man. It continued to grow and expand with the gradual development of human life. Beginning in the most rudimentary form, it has today, become a very complex organisation. We can, therefore, speak only of the evolution of social life and not its origin. The course of this evolution requires a brief survey.

§ 4. EVOLUTION OF SOCIETY

Modern society is the product of an evolution stret-

ching back to the beginning of human life. A bird's eye-view of this evolution will enable us better to understand the nature of social life and the importance of the various types of social organisations. Before we trace this evolution, we want, however to point out that this evolution has not been chronologically identical all over the world. What happened was, that one country reached a stage of development much in advance of others. Again, it often happened that certain going back from the stage that had been reached, occurred in many countries, on account of either a natural calamity or their defeat in the battle-field. In short, it has not been a stream, flowing continually from the source, till the present stage was reached. Another peculiarity of this evolution has been that the institutions of a particular stage have not been wiped out in the succeeding stages, but have continued to exist side by side with the new institutions. A rough idea can be got by comparing modern society with a building consisting of several storeys, each having been erected on the previous one, by the succeeding generation—all storeys existing with varying importance and vitality side by side. No age completely disappeared. Its achievement was conserved to build up civilisation further. Keeping these facts into view, we may roughly divide the history or this evolution into four periods—each period getting its name from its predominant characteristic. These four periods are, the Hunting stage, the Pastoral stage, the Agricultural stage and the Industrial stage.

Hunting stage. The first stage of human society was the hunting stage. During this period, we find men living in small, exclusive groups. These groups lived by hunting animals or gathering fruits. Their members were kept together by the need of securing food.

Their organisation was the simplest. All hunted together and roughly divided the game among themselves. They had no king, no government, no property, no law and no legislature. Even family life did not

exist among them.

The size of the group was extremely small. This was so because food supply was neither abundant nor secure. They would secure good game one day while they got nothing the next day. They had not developed the idea of keeping anything for the rainy day. They consumed what they hunted.

Their sex life was promiscuous, that is to say, all the women of one totem were the wives of all men of a corresponding totem.

Their knowledge about the facts of nature or of human life was practically non-existent. Their life was, more or less, a life of feeling rather than of knowledge. The world appeared to them to be full of dangers, which they could avoid only by pleasing the spirits and not by any efforts of their own.

There was a condition of famine, disease and epidemic in their lives. They could barely manage to live. They had no time for contemplating things of beauty and joy. These groups were constantly fighting among themselves. No rule was accepted by the different groups for determining their relations to one another.

Finally, no idea existed without the group of the rights attaching to any individual. If we can speak of, rights with reference to such a group, they existed of and for the group, and not of, and for any individual.

In complete contrast to the picture of a golden stage we find this period to be the worst in point of civilisation and culture, of knowledge and comfort.

Pastoral stage. The society of the hunting stage was profoundly modified by certain factors, the most important of which appears to have been the domestication of animals. The pastoral age began as a consequence of these changes.

The size of the society during this period was larger than that of the hunting stage. Men live in tribes which were fairly large. This was possible because the

domestication of animals had made food supply more abundant and secure. Sex life during this period was regulated mostly through the institution of polygamous marriage. A man was found to be keeping a number of women as his wives. The institution of marriage had given birth to family association. This family consisted of the patriarch (father), his wife, children, children's children, and children's wives. The patriarch wielded complete authority over all the members of the family. He could even kill his wife or children or children's children. The wives had more or less hard task to do. They looked after the needs of the household and the cattle. The tribe was the association of many families. All the members of the tribe believed that they were related to each other by blood and, as such, they lived and worked together. In other words, the bond of their society was kinship, i.e., relationship through blood.

Their main occupation was rearing of flocks of cattle. Each individual member of the tribe had his flocks and the whole tribe saw to it that he secured pastures for grazing his flocks. Their economic condition was now much better as they could satisfy their wants with more security and completeness than was the case in the Hunting Age. But on account of their occupation, the tribes were always moving. When one pasture was exhausted, the tribe moved in search of another.

These tribes consequently came into conflict between themselves on the question of occupation of pastures. In these tribes, we, therefore, find the rise of leaders who led them during these conflicts. The leaders were also responsible for administering justice during peace.

Religion at this stage was ancestor plus nature worship.

The institution of private property had made its appearance during this period. The idea of rich and poor also developed. A man possessing a large flock

of cattle was rich as compared to one who possessed a smaller one.

Agricultural Stage. The pastoral society was revolutioned by the discovery and development of agriculture. The agricultural age therefore began.

We find during this stage, an increase in the size of society. Villages with a fairly large population grew up. This was due to the fact that agriculture made possible more abundant and secure supply of the food than was possible in the pastoral age.

Again, society during this stage become fixed. During the pastoral age, tribes had to move from place to place in search of pasture. But agriculture required settlement on land because it fixed the supply of food to particular places. Gradually, therefore we find that in the agricultural age kinship is replaced by neighbourhood as the bond of social union. We find that in villages people of different blood settle and work together. They come to have regard for one another, not because they belonged to the same blood, but because they dwelt together. The idea of citizenship thus grows during this stage.

The economic pursuit in this age was mainly of agriculture. But round it a number of other crafts arose. Agriculture made for wealth of some and poverty of other. The owners of land became rich, while the landless remained poor. Society thus came to be divided into two classes. Again the various occupations gave birth to different classes of craftsmen. Thus we find that society becomes a class structure. During this period the classes of priests, the warriors, the traders, the peasants and the manual workers, developed greatly, and thus the institution of caste system came into existence.

Religion, during this period, becomes all the more important. The peasant depended on the forces of nature for his prosperity and began to worship them.

The political organisation of society also became more complex. The state arose. The conquest by one

tribe of others made the conquerors the rulers, and the conquered the subjects. We, find therefore, during this period, kings and aristocrats ruling over servile populations.

This agricultural civilisation is profoundly influenced by the growth of the commerce and small scale industry. The development of commerce makes for the growth of critical ideas. The merchant goes from place to place and sees many customs and cultures. He naturally begins to compare them and thus becomes the pioneer of a new outlook. The towns also develop in this stage. They become centres of critical and progressive outlook. But the most important transformation was brought about by the discovery of the steam engine. It gave birth to the modern industry and the modern world.

Industrial Stage. We are living in the fourth stage. It is revolutionary and full of far reaching possibilities.

In the first place, modern society is very vast in size. It covers the whole world. This has become possible because of the introduction of power-propelled machine. This kind of machine has eliminated distances and interwoven economic and culture life. We can speak to a friend in New York from India through the telephone, we can journey to the other end of the world in a few days' time in an aeroplane. This could not have been dreamt of a century ago. Calcutta was then month's journey from Delhi. It is thus possible today for the people of different countries to come into closer and more frequent contact. Again, the fountain pen we use, the clothes we wear, the pictures we see—all these have been produced by the labours of many countries. This economic inter-dependence, again, makes for a world society. Finally, the printing press makes available the thought of the thinkers of all countries to the whole world.

Secondly, modern society has overcome the problem of production. We produce goods in such a quantity

of cattle was rich as compared to one who possessed a smaller one.

Agricultural Stage. The pastoral society was revolutioned by the discovery and development of agriculture. The agricultural age therefore began.

We find during this stage, an increase in the size of society. Villages with a fairly large population grew up. This was due to the fact that agriculture made possible more abundant and secure supply of the food than was possible in the pastoral age.

Again, society during this stage become fixed. During the pastoral age, tribes had to move from place to place in search of pasture. But agriculture required settlement on land because it fixed the supply of food to particular places. Gradually, therefore we find that in the agricultural age kinship is replaced by neighbourhood as the bond of social union. We find that in villages people of different blood settle and work together. They come to have regard for one another, not because they belonged to the same blood, but because they dwelt together. The idea of citizenship thus grows during this stage.

The economic pursuit in this age was mainly of agriculture. But round it a number of other crafts arose. Agriculture made for wealth of some and poverty of other. The owners of land became rich, while the landless remained poor. Society thus came to be divided into two classes. Again the various occupations gave birth to different classes of craftsmen. Thus we find that society becomes a class structure. During this period the classes of priests, the warriors, the traders, the peasants and the manual workers, developed greatly, and thus the institution of caste system came into existence.

Religion, during this period, becomes all the more important. The peasant depended on the forces of nature for his prosperity and began to worship them.

The political organisation of society also became more complex. The state arose. The conquest by one

tribe of others made the conquerors the rulers, and the conquered the subjects. We, find therefore, during this period, kings and aristocrats ruling over servile populations.

This agricultural civilisation is profoundly influenced by the growth of the commerce and small scale industry. The development of commerce makes for the growth of critical ideas. The merchant goes from place to place and sees many customs and cultures. He naturally begins to compare them and thus becomes the pioneer of a new outlook. The towns also develop in this stage.. They become centres of critical and progressive outlook. But the most important transformation was brought about by the discovery of the steam engine. It gave birth to the modern industry and the modern world.

Industrial Stage. We are living in the fourth stage. It is revolutionary and full of far reaching possibilities.

In the first place, modern society is very vast in size. It covers the whole world. This has become possible because of the introduction of power-propelled machine. This kind of machine has eliminated distances and interwoven economic and culture life. We can speak to a friend in New York from India through the telephone, we can journey to the other end of the world in a few days' time in an aeroplane. This could not have been dreamt of a century ago. Calcutta was then month's journey from Delhi. It is thus possible today for the people of different countries to come into closer and more frequent contact. Again, the fountain pen we use, the clothes we wear, the pictures we see—all these have been produced by the labours of many countries. This economic inter-dependence, again, makes for a world society. Finally, the printing press makes available the thought of the thinkers of all countries to the whole world.

Secondly, modern society has overcome the problem of production. We produce goods in such a quantity

that none would remain hungry, unclad, homeless if the system of distribution were more justly organised. The danger of famine does not exist. If we still have famines, slums, starvation, it is because the poor are not permitted access to goods that can satisfy their wants. The problem before us is then a reorganisation of the system of distribution.

Thirdly, modern society has organised the system of knowledge. We no longer depend on our superstitions for reacting to the forces of nature. Science has explained much, and has the possibility of explaining much more. As a consequence dogmatic religion has decayed.

Fourthly, our life is individualistic in nature. Modern society thinks of the happiness of each and every individual. Man has become adolescent.

Fifthly, our political organisation is extremely complex in organisation. It is in most countries the affair of the people. They take part in the exercise of sovereign power. We do not depend purely on custom as our ancestors did.

Finally, the bond of our social life is predominantly spiritual in character. We live in the society with the consciousness that it makes for the development of our capacities. We have begun to reflect upon it and to plant it.

Common Features of this Evolution. It would be observed that this evolution has always possessed certain common features which are as follows :—

(1) It has been making for a larger and larger area of social life. Each stage has enlarged the size of social life.

(2) It has been from unconscious change to planned development. We are now planning the direction of our life, whereas, in the past we were at the mercy of unknown forces.

§ 5. CONSTITUTION OF MODERN SOCIETY

Modern society is extremely complex in character.

It possesses many types of organisation, working in different areas and through various ways. Before we proceed to discuss its constitution in detail, we feel the necessity of defining some terms, which will be employed for the purpose of describing the constitution of society.

(1) *Association*. It means an organisation of man working for a common end. The essential elements of an association are: (1) Human membership; (2) a central organisation, and (3) unity of purpose. It must contain men or women or both. There can be no association without this human element. We cannot speak of an association of plants or stones. Secondly, an association must have a certain organisation to achieve its end. A mob consists of men, but it is not an association, because it does not contain any organisation for achieving its purpose. Thirdly, a group of men must have unity of interest or purpose before it can become an association. A large number of men living or sitting together, but having various interests, cannot work as a unit and cannot therefore be termed an association.

(2) *Community*. It is, says MacIver, "any whole area of society such as village, or town, or country." It is any circle in which a common life is lived and within which people, more or less freely, relate themselves to one another in the various aspects of life. A community possesses certain characteristics such as social likenesses, common customs, common traditions, the feeling of oneness etc. A community may therefore consist of a group of people living in the same neighbourhood and having common rights and privileges or it may consist of persons having common interests, economic, cultural, religious or linguistic. In other words a community may exist as a village community, or city community, or nation community, or as, Vaish community, or Hindu community or Muslim community, etc.

It is distinguished from an association in two

respects. Firstly, an association is always organised, but a community may or may not be organised. In the second place, an association is partial, *i. e.*, it seeks to realise a purpose which its members alone share. A community, on the other hand, is integral, *i. e.* it includes men having various purposes and working for different ends. Thus, it may have many associations within it.

(3) *Institutions*. They are, says, MacIver, established and recognised forms of relationship between social beings. They exist in the form of practices or usages, customs or conventions, which form part of the established apparatus of social life. They may be so established either by particular associations, as marriage by family, or law by state or by the community in general. Marriage, law, punishment, caste system, untouchability, enforced widowhood, etc., are institutions. An institution is thus merely a *form of relationship*, whereas an association is a *body of persons*.

We can now say that modern society consists of associations and communities, the life of which is regulated by institutions. Each of these elements of social constitutions will be discussed in detail in subsequent chapters.

TEST QUESTIONS :

1. Explain the proposition that man is a social animal. (U. P. 1936)
2. Man is by nature and necessity a social animal. Explain clearly giving illustrations. (U. P., 1940)
3. What are the benefits which accrue from the membership of society?
4. What do you understand by the term 'society'? How does it differ from an association, community and institution? (U. P. 1938)
5. Co-operation is the main-spring of life. Comment. (U. P., 1928)
6. Explain the nature of society and show how it is essential for civilisation.

7. What are the various theories about the nature of society? What in your opinion is the true relationship between an individual and society?

8. Is society an end or a means or both? Discuss.

9. Explain the proposition of Professor Mac Tegar that not society, but the individual is the end of social life. (U. P., 1929)

10. Describe the various theories about the origin of society and criticise them. (U. P., 1932)

11. What are the various stages through which the development of society has taken place.

CHAPTER III

INSTITUTIONS AND OTHER SOCIAL FORCES

§ 1. INSTITUTIONS

The life of the communities and associations is regulated through an intricate network of institutions and under the influence of traditions, customs and other forces. The institutions may be established or taken over ready-made from the community by an association for the fulfilment of its purposes. These institutions are so many in number that it is impossible to give any description of all or even an appreciable number of them. There are, however, two remarks which we consider necessary to make about all institutions.

(1) *Institutions Exist for Human Welfare.* In the first place, all the institutions exist, not for their own sake, but for the sake of human welfare. This fact is often ignored in everyday social life. Some people talk about institutions, as if these were their own justifications. Such a sentiment is contained in the remark, "the law must be enforced". Law must be enforced not because it is law and therefore above men, but because it is something for their good. It means that only those law need and must be enforced, which definitely promote the welfare of those who have to obey them.

(2) *Institutions Must Change With Times.* In the second place, institutions must not be considered good, because they come down from a remote past. Institutions arise under certain conditions and to meet certain needs. After the conditions in which they arose have passed away, these institutions cease to have value in social life. But every institution refuses to die a timely death. It tends to have a life of its own apart from the needs which created it. It creates vested interests that benefit by its continued existence. Such people

resist any change in the particular institution. Again, most men become so adjusted to it that they consider it an inevitable part of their life. But such institutions have disastrous effects on the welfare and happiness of men. It is, therefore, absolutely necessary that a revision and revaluation of the institutions be undertaken by the community to harmonise them with the new conditions of life.

We will now consider the nature and importance of some institutions and forces of social life.

§ 2. EDUCATION

The importance and necessity of the right type of education for the building up of the character of a nation is now universally realised. For raising the standard of our home life, for developing wiser and considerate citizens, for giving the children the much needed atmosphere, for training in right citizenship, for improving the relation between home and community, for the prosperity of our own land and the peace of the whole world, there is no more fruitful and noble means than education.

Education and democracy. Education, in the widest sense, is also the foundation of democracy. Democracy implies a form of government in which the ultimate responsibility for carrying on the affairs of the state rests with the masses. In order that the people may properly discharge this duty, a high level of character, public-spiritedness and political intelligence is required in them. This function of developing the moral and intellectual side of character in our citizens, which is so necessary for the successful working of a democratic constitution, is performed by education in the following ways :—

(1) Education has a great socialising influence. It has been rightly described as the key-stone of the arch of good social life. It is in the educational institutions that the young students during a formative and impressionable period learn their lessons in co-operation,

obedience, discipline, mutual help and respect for authority. All these virtues are absolutely necessary for a valuable social life.

(2) It enables the individuals to train their emotions and discipline their lower nature. It frees man from bondage to passion and places him on the path of progress. It liberalises the energies of man and directs them in proper channels. It makes a man public-spirited, social, self-sacrificing and intelligent and thus develops those virtues in him which are indispensable for the successful working of a democratic constitution.

(2) It equips man for his economic struggle in life. It makes him more efficient in work. An educated person can easily understand the intricate nature of various occupations and hence can better secure the means of livelihood for the satisfaction of his various wants.

(4) It opens out many opportunities to individuals for the better utilisation of their leisure hours. An educated man can engage himself in any hobby which may suit his temperament. He can read books and political literature and thus acquire a sound knowledge of world affairs. He can enter into the thoughts of the greatest men of all ages and into the deepest feelings and emotions of the noblest of all times.

(5) Finally, education enables a man to know the secrets of physical and social health, by which he can make his and his neighbour's life more healthy and happy, than he could have done if he had remained illiterate.

Things, Education Must Not Teach. (1) Education, however, ought to be liberal and must not lead to conservatism. The true object of education is, not to make the child an image of his elders or teachers, but a fully developed individual in every respect. Education in our times is being utilised to maintain things as they are. The elders generally force down to the student the ideas, the habits, the traditions and customs in which they themselves believe. All this should be avoided.

(2) It must not be made a tool of politicians for the propagation of theories and ideals in which they themselves believe. The rulers in a country generally impress those ideals on the young which are necessary for the permanence of their authority and the aggrandisement of their interests. In Nazi Germany and Italy for example, the students are taught to adore personalities and to believe in certain set opinions liked by the rulers. They are taught to hate communism and to love aggression and imperialism. True education must avoid all these dangers. It should not be prostituted for these ignoble ends.

Conclusion. A widely diffused education, therefore, which aims at the attainment of the following objectives and which avoids the dangers noted above is the greatest guarantee for the success of a democratic constitution.

True aim of education. Real education means preparation for complete living. It should, therefore, aim at achieving the following results :

(1) *All-Sided Development of Personality.* Education should aim at qualifying an individual, to play his part well as an enlightened member of the community in all the spheres of life—material, moral, economic, political, national, cultural and spiritual. All this can be achieved by an all-round development of human personality or the drawing out of all the latent faculties in man. Education must not be merely literary, but also physical, moral and spiritual.

(2) *Critical Outlook.* Educational institutions should not seek to impose certain set beliefs and dogmas on the young. On the contrary, they should try to make them critical in their outlook, independent in their judgment and self-reliant in their character.

(3) *Capacity for Economic Struggle.* Education should be directed to make the individual capable of earning his livelihood. This can be possible only, when and it, education is adjusted to the economic life of a community. For example, in India, education must

have a bias in favour of agriculture and cottage industries, so that when a child leaves the school he may find his natural place in any one of these occupations.

(4) *Dignity of Labour.* Again, education should inculcate a love of work, whether manual or mental, amongst the students. All work is noble, however low the society may consider it. The students must, therefore, learn the lesson of dignity of labour in their schools and colleges.

(5) *Dignity of Human Personality.* Education must teach the young the essential dignity of human personality and must thus be a force for the removal of prejudices, whether of class, or of colour, or race, or sex, and make for a unity among all men. It must, in other words, be spiritual in character.

(9) *Advancement of Knowledge.* Education must enable the student to assimilate the accumulated knowledge of humanity and further to advance it by carrying on researches in its various branches.

Primary education. One of the primary duties of the state is to provide compulsory primary education to all citizens of the state. Literacy and instruction in the 3 R's,—reading, writing, and arithmetic—is absolutely indispensable for social life of an adequate character. Without it an individual has to face immense difficulties at every stage of his life. He is incapable of writing even an ordinary letter. He cannot guard himself against the fraud of others. He cannot read newspapers and know anything about the happenings in the world. Primary education if properly conducted widens human sympathies, increases knowledge, develops workmanship, habits of co-operation and character. At school the child learns to adjust his temperament to a different environment; he becomes more disciplined in the school atmosphere and develops his physique in the playground.

The teachers must, however, see that they do not excite fear in the minds of their students by inflicting

corporal punishment on them. The children must not regard their educational homes as hells and the teachers therein as *jallads*. The teacher must develop a love for knowledge in the minds of the children by coming into close contact with them. He has to draw the best out of the child. Nothing that is thrust upon him from above will help him in developing his own character, which is the true object of real education.

Basic education. The Wardha Scheme of education in India as launched by that greatest leader of all times, Mahatma Gandhi has revolutionised the entire system of modern education in this country. Basic education is based on four principles.

Firstly, that education should be free and compulsory and should extend for a period of 7 years. Secondly, that education should not be thrust upon the child, but that he should learn by doing, and learn because of his own desire for knowledge. Thirdly, that the medium of instruction should be the mother tongue. Fourthly, that education should be self-supporting.

The Wardha Scheme, as already pointed out, prescribes a time limit of 7 years for imparting basic education to the children. Within this period a child is expected to acquire sufficient knowledge of mathematics, science, language, literature, general knowledge, history, geography, drawing etc., and further becomes proficient in some such vocation which may help him in earning his livelihood in later years.

The self-supporting basis of this education has been criticised on the ground that it will turn our educational institutions into factories and the students therein into labourers. But Mahatma Gandhi said that in a poor country like India, there was no other alternative but that the children must be able to earn the expenses of their schooling. Now-a-days, not much stress is being laid by the people on this self-supporting aspect of basic education. The greatest beauty of the scheme consists in its laying stress on work and learning by doing. Dr. Zakir Hussain, the Chairman

of the Wardha Scheme of Education, in one of his recent speeches said, "What the basic education aspires to impart to the child is a proper appreciation of moral values. Basic schools have to be moral institutions. A school which aims at education through work would have to inculcate reverence for moral and aesthetic values and create the will to realise them. The efficient citizen can become the morally efficient man in these institutions alone".

It is only by universal education that a common cultural standard can be achieved and international misunderstandings removed, which have been the cause of most of the existing evils. "Only when education ceases to be the monopoly of a class or nation and becomes a truly democratic institution for the shaping of character and intellect, only when all men are taught by common method and have common ideals, will it be possible for men to understand each other and to correctly interpret each other's social, political and spiritual thinking processes. Education then becomes the possession of every man, dispels intellectual snobbery, destroys pedantry and kills the privileges, which have so long been the disruptive forces in the unification of the world." A high standard of primary education must therefore be insisted upon for all.

Secondary and Higher Education. After finishing the primary course, the more capable students must continue their studies in high schools and colleges provided by the state. It is at this stage that the students develop some habit of independent thinking and extensive reading. There should be examinations at this stage, on passing which students may be enabled to enter the universities for higher education.

The degree colleges or the universities should provide facilities for the acquisition of knowledge in various departments. The different universities must specialise in the teaching of various subjects. They should produce men equipped with adequate knowledge to hold important offices of state and to enrich the

nation with the products of their special knowledge. The universities should also strive to extend the bounds of knowledge by means of research, careful observation, experiment, study and thought. They should serve as repositories of knowledge of the country and impart light and learning to their countrymen. Lastly, the state must provide libraries, learned societies, museums, zoos, picture galleries, botanical gardens, etc., to refresh the knowledge of scholars and to keep them in touch with the advancing thoughts of the world.

Technical Education. The function of the state does not end after imparting only literary education to the children of the soil, it is further required to provide technical and vocational instruction to the citizens of the state. Literary education aims at the general improvement of the mental faculties of a person and this is very necessary even for a technical man, because, it enables him to quickly grasp and easily understand technical affairs. A vocational course enables the people to earn money and be useful and satisfied citizens of the state.

The Case for India. In India in spite of 200 years of British rule hardly 10% people are literate. The present system of education is entirely rotten and time-worn and absolutely unsuited to the genius and temperament of the Indian people. Educated unemployment is fast increasing. Our young students come out of their schools and colleges as complete, moral, physical and intellectual wrecks. They are unfit for anything except a clerical job. The system of education in this country needs, therefore, entire overhauling. The greatest need of India is a reformed system of education suited to the special needs of this country. Mass literacy is the first requisite. For this, adult education and female education must go side by side with juvenile education. Vocational and technical education is the second great need. The Wardha Scheme of education, discussed before is expected to solve this difficulty to a great extent.

§ 2. PUNISHMENT

Another important institution of social life is punishment. The state maintains discipline in society and regulates the conduct of citizens according to the laws of the government by two instruments at its disposal—education and punishment. By the former an attempt is made to infuse in the minds of citizens a correct understanding of their rights and duties, so that they may peacefully perform their own activities of life and may not come into conflict with the rights of others. By the latter, punishment is awarded to those citizens of the state who do not perform their duties and infringe, the rights of others.

Meaning. We may roughly define punishment as the taking away of the rights with or without inflicting an additional injury of a person, who violates the rights of other individuals or the community as a whole.

Purpose. Punishment Inflicted To Prevent Violation of Rights. The institution of punishment is necessary in order to maintain conditions of good life for all. We shall show later on that every individual can develop his highest personality only, when and if, he is provided certain conditions of life by society. An individual can claim these conditions only when he recognises that he, as a rational and moral being, needs them for his self-development, and further recognises similar claims of others, born out of a similar nature. It may, however, happen that an individual may violate the rights of others for his selfish benefits. He then forfeits his rights because he destroys the ground on which rights exist. The state, as the guardian of these rights, can forcibly prevent him from committing a violation of the system of rights, that is to say punish him.

Theories of punishment. There are three different theories about the objects of punishment, namely :
 (1) Retributive theory ; (2) Deterrent theory ; and
 (3) Reformatory or Curative theory.

Retributive Theory. This theory states that the individual who is wronged has a right to take revenge on the wrong doer. Without it, his injured feelings are not satisfied. His sense of justice is not appeased unless he has an eye for an eye, an ear for an ear, and a tooth for a tooth. It is, therefore, the duty of the state to compensate the wronged person by imposing some punishment on the wrong doer.

This theory was applied in awarding punishment to criminals in earlier times. In modern age, the primary aim of all punishment is considered to be the prevention of mischief and reparation of damage, and not retribution of wickedness which is considered as savage and incompatible with the principles of civilised life. Punishment should aim at repairing the past mischief and preventing future mischief of the same kind. This function is best performed by deterrent theory.

Deterrent Theory. According to this theory punishment is inflicted on the criminal to prevent him and other would-be offenders from committing such crimes in future. The punishment that is to be awarded in this case is very heavy and out of all proportions to the magnitude of the offence committed. The purpose of awarding such a heavy punishment is to warn all other like-minded persons in the society against committing such acts. Its purpose is to excite horror in the minds of citizens so that they may never think of committing such crimes again.

Reformatory Theory. It states that the crimes are committed in society because of some mental derangement or disease in an individual or because of social injustice. The true aim of punishment in this case must, therefore, be to remove the disease or to do away with the social injustice. The purpose of punishment must be curative. Punishment is justified only if it results in bringing about a change for the better in the life of the criminal. Prisons should be superseded by reformatories. Religious instruction to develop virtues

in the life of the criminals and vocational education to enable these persons to engage themselves in peaceful vocations of life must be provided within the reformatories.

Extreme punishment is justifiable only when the criminal is incapable of reformation and is beyond all hope of recovery.

Modern Theory. The modern theory accepts the good points contained in all the theories discussed above. Several factors are taken into consideration at the time of inflicting punishment on a criminal. The nature of the crime committed, the circumstances, the provocations, the previous character of the offender, his parentage, his social upbringing, the motive of the offence—are all taken into account. The punishment is adjusted according to the gravity of the offence and the nature of the criminal. In the case of juvenile offenders flogging, fine and imprisonment in reformatory jails are resorted to, in the case of hardened criminals, deportation, rigorous long-term imprisonments in cells are awarded, and in case of felony or murder, capital punishment is generally awarded by law courts. The test of the adequacy or suitability of the punishment is the good of the community and the ability of the punishment to secure the public welfare.

§ 4. PROPERTY

The institution of private property is another important force in social life.

Meaning. By private property we understand the exclusive right of an individual, to own and use land, or goods, or both, that are in his lawful possession. It will be seen that private property involves not only individual possession but also social recognition and protection. Its existence could not have been possible, but for the force of the state which protects it from the encroachment of others. Again, goods or land come to have value partly on account of social labour and social needs. A diamond would be a useless piece of

stone if society were not to recognise its value. Society has, therefore, a right to exercise some control over the private property of individuals. A certain property belonging to an individual is called private not in the sense that only the individual and not the society can exercise control over it, but in the sense that society has provided that a particular individual will use it for social good and his personal welfare.

Origin. Property thus originates in the needs and the nature of human personality. It satisfies the various instincts of a man and contributes largely towards the development of his personality in a variety of ways.

Some writers hold that private property is as old as wars. The victors used to take hold of land and all other property belonging to the vanquished. The spoils of war were divided amongst the soldiers and thus the institution of private property came into existence.

Locke held that private property arose when man began to mix his labour with some free gift of nature for the production of wealth. This theory is known as the productivity or labour theory of property.

It appears that the institution of private property is very old, perhaps older than the modern state. It has developed immensely under the laws of transfer made by the modern state.

Advantages of private property. (1) It gives a person a sense of security and independence. A person who has wealth can satisfy all his wants. Without wealth a man has to face starvation and depend on the charity of others. His life becomes miserable and he has to pass many anxious nights without any food or drink.

(2) It is conducive to the development of character. A man having wealth need not fear or flatter anybody. He can be independent in his view, firm in his convictions and straight-forward in his behaviour. A poor man, on the other hand, has to flatter the people in

power; he has to sacrifice his own views and opinions for the sake of a few coins, and lastly, force by circumstances, he has sometimes to adopt a dishonourable career of a thief, a dacoit or a cheat.

(3) Its possession tends to make a man prudent and cautious. Persons with wealth have a great stake in the country, they cannot afford to be reckless. They are generally conservative in habits and lend support to a strong government in the country.

(4) A man having property can make life artistic and noble. He can find leisure and devote his energies to the fostering of art and culture.

(5) Without property a man cannot develop the virtues of liberty and hospitality. A person who has not enough money at his disposal to satisfy his own hunger, can hardly care to look to the miseries of others.

(6) It provides a powerful incentive for work. The hope of private gain is an important factor in the modern industrial civilisation. If men were not allowed to own private property, they would cease to work, at least beyond that limit which is necessary for their comfortable existence. This would mean that the national income of the country would diminish and its economic development retarded.

(7) Private property promotes savings and thus increases the total amount of capital at the disposal of community.

(8) It frees man from material cares and enables him to devote his energies for higher purposes.

Disadvantages. (1) The possession of private property, unless kept under proper control may perpetuate exploitation, hunger and starvation in society. A few people may own lakhs and crores while the majority may starve and famish.

(2) Under this system of private property, the rich becomes richer and the poor poorer and thus the income goes on increasing. Wealth increases very fast.

A fortunately better placed man in life gets a higher salary, more allowances, free bungalows, servants, etc., earns interest on his past savings, realises rent of buildings and can start some business with his amassed capital. Wealth thus goes to those who little need it.

(3) It creates inequality and divides the society into two warring classes of haves and have-nots.

(4) Private property is unjustified not only on grounds of equality but of utility as well. So far as the right of management and thorough utilisation of land and property is concerned; the best men are necessary. But in this capitalistic area, the successor to a landed magnate is often an incapable person. He acquires a huge amount of wealth without any conscious effort on his part and thus wastes it generally in the satisfaction of sensual pleasures like drinking, prostitution, etc.

(5) It creates in man a sense of false dignity and prestige. The rich persons begin to look at them as some superior beings. Greatness, in the capitalist society goes with wealth and not with education or a virtuous career.

(6) It creates a class of idlers and parasites. Landlords, property owners and big capitalists earn huge incomes without any conscious effort on their part. The labour of so many individuals is lost to the society and the national income of the country consequently suffers.

(7) It breeds pride, intolerance, insincerity, dishonesty and other evil traits in the character of man. Wealth is now-a-days earned by dishonest means such as cheating and the exploitation of others.

(8) It creates vested interests, who by controlling the reins of administration in the state, maintain their supremacy and domination over the masses. Democracy is a sham without the control of private property and an equitable distribution of wealth.

(9) It encourages exploitation of the poor voters through bribery and capitalistic mechanisation in the formation of parties.

TEST QUESTIONS

1. What do you understand by institutions? Are there any dangers against which they should be guarded? What is the purpose of their existence?
2. What ought to be the aim of education? How far does the present system of education fail to attain that aim? (U. P., 1935)
3. Discuss the problem of mass education in India. What measures would you suggest for dealing with this problem?
4. What are the various purposes of punishment? (U. P., 1930)
5. On what grounds is the right of the state to punish based. (U. P., 1932)
6. What is the origin of property? On what grounds should individuals be allowed to hold property. (U. P., 1938)
7. Education on the widest scale is essential for the working of a democratic government. Comment. (U. P., 1940)

CHAPTER IV COMMUNITIES

Modern society is divided into many communities. The presence of these several communities in the world of today, produces problems which require study and solution. We can correctly appreciate these problems only when we appreciate the nature of these various communities.

Broadly, we can say that there are four kinds of communities in modern society. These are : (1) The village community ; (2) the city ; (3) the nation, and (4) the world community. Apart from these, there are certain groupings which partake partially of the nature of a community. These are the various classes and castes.

§ 1. VILLAGE.

The village is the most ancient of the existing communities. We find the village community from a very early time in all the parts of the earth.

Village Defined. It may be defined for our purposes as a group of persons, settled permanently in a definite area, the majority of whom are engaged in any one or more than one occupation, relating to land. The population of the village is small not exceeding a few thousand. The village is distinguished from a city or town in two respects. In the first place, its population is much smaller than that of a town or a city. In the second place, and this distinction is more vital than the first, the occupation of its inhabitant has reference to land, while that of the town-dwellers has reference to commerce. The village is mostly agricultural or pastoral, while the city is mostly commercial or industrial.

Origin of The Village. The origin of the village community lay in the discovery of agriculture. It

demanding the permanent settlement of human swarms on land. Within the village, however, there soon grew up economic activities which were related to agriculture, or were in the nature of cottage industries as weaving, carpentry, smithy, etc.

The rise of the village community brought revolutionary possibilities with itself. It changed the basis of the social bonds. Instead of kinship, locality began to bind human beings together. It gave man abundant supply of food. It secured greater protection against weather and wild animals. The homestead protected the family from the rigours of rain and storm; the walls of the village protected the villagers from the attacks of wild animals and other tribes. The village thus marked an important advance in civilization.

Organisation of Village, Ancient and Modern. The organisation of the villages in primitive times was simple and almost similar in all countries. The villages, so to say, inherited their organisation from the pastoral society and then gradually added their contribution to it. Pastoral society was more or less, similarly organised in all tribes. We find, therefore, that in the beginning, the village government rested in the hands of a panchayat or council of village elders. They had the judicial and administrative powers in their hands. The village assembly consisting of the whole body of adult citizens, however, exercised certain amount of control over their activities.

The village community, then, was self-sufficient, self-contained and self-government. The bond of the village with other villages was very loose. At that time there existed no developed means of communication and transportation to link one village with another.

In our times, however, villages are organised differently in different countries. In India at present, the village has lost its self-government. It is controlled from the Tahsil and the Tahsildar remains in contact with it through the Patwari, while the Police officers get information about village happenings from the

village watchman. It is under the control of the government, but it has no direct share in it. The consequence is, that in Indian village administrative anarchy prevails—at least in respect to public utilities. An Indian village has no arrangement for street lighting, probably because it has no developed street. Its sanitation is the worst. There is no public provision for medical relief or for maternity welfare. In short, the village is made to bear the burden of the whole government but gets practically nothing in return. In other countries the villages are organised more or less on democratic principles. They have a voice in the administration of their own affairs.

Again in modern times, the village communities have lost their isolation and their self-sufficiency. The roads and the railways link them to the outside world. They get the ideas and goods from the outside world though in comparatively smaller degrees. Their prosperity also depends on the state of the world market. The village has thus lost that privacy in the social life of its members which it possessed in the primitive times.

The importance of village. The village community, however, has got quite a great importance even in modern times.

(1) *Socialises the individual.* In the first place, it exercises a great socialising influence on the individual and widens his sympathies to a certain degree by providing him opportunities of co-operation with those who are not related to him except through the bond of neighbourhood. The spirit of service for all those who live in the neighbourhood, thus arises in the villages and proves useful for the individual in his larger life.

(2) *Creates Conservative Outlook.* Secondly, the village community gives to its members a stable and conservative outlook. The villager lives permanently in the same condition because he is fixed to his field. He sees the same things from day to day and consequently comes to feel a love for them. He does not welcome change because he cannot understand it, and cannot

adjust himself to it. The village community therefore exercises a stabilising influence on the political life of the nation. It is a counterweight against blind revolution. Only in the matter of an unjust system of land tenure, the village community has been blindly revolutionary but in no other matter can the village community act violently.

(3) *Makes Members Religious and God Fearing.* Thirdly, the village community makes its members extremely religious and thus keeps the religious life of the nation extremely vigorous. The villager has to depend on the forces of nature for his prosperity. He may be ruined by untimely rains. He, therefore, realises the importance of man before that of the floods, the storms, the rains, etc. He becomes dependent on God for his safety. The village is, therefore, always an active centre of religious life. The villagers are all God fearing people and hence are more truthful, sincere and hospitable than city dwellers.

(4) *Is an Important Unit of Economic Life.* The village is a unit of production of those commodities on which the continued existence of man depends. It is the village community which feeds and clothes the nation by its economic activities. By its hard labour the village community wins from land the means of subsistence. Again, the village community enriches the economic life of the nation through its cottage industries. Japanese villages are an eloquent example of this fact.

(5) *Unit for Village Panchayats.* Fifthly, the village community forms a natural unit of political life. Democratic government, as will be shown later on, can succeed best in those countries which possess a vigorous system of Local Self-Government, specially Panchayat in rural areas. The village can thus play a vital part in the success of national democracy. Further the villages afford the bases for the formation of constituencies for purposes of election.

(6) *Supplies Soldiers to Nation.* Lastly, the village

community constitutes the military backbone of the nation. The village life makes for health and hardihood. The villager, therefore, can always be a good soldier.

We may say without exaggeration that the small village community supports the mighty nation on its back.

Problem of Village Loyalty. The village community naturally draws passionate loyalty from its members. It often happens that the villager forgets the outside world for the sake of his village. But this is not healthy. One should give every community its due and should not be unjust to any.

§ 2. CITY

City community is also very ancient, though it made its appearance much later than the village.

Definition. It may be roughly defined for our purposes as a group of men, fairly large in number, permanently living together in fixed abodes in a definite area and carrying on activities relating to trade, commerce and industry. The main condition between a town and city is numerical, the former having relatively a smaller population than the later.

Evolution of City. The city community has passed through a long course of evolution. Originally it was more or less a combination of villages and had many characteristics of village life. But gradually, the new conditions of city life brought about the growth and development of new institutions. Markets, banking, credit, educational, cultural and other institutions developed in the cities gradually. Broadly speaking, we may say, that the evolution of city has been in the direction of political autonomy.

Organisation of Cities. The organisation of city government in our times varies from country to country. Originally, there appears to have been greater similarity in the governmental structure of towns. But on account of their varying history and situations,

they developed different institutions. All cities, however, possess some characteristics of Local Self-Government which are common to them all. They have the power to manage their own civic affairs, i.e., looking after primary education, health, sanitation, lighting and water supply, roads and buildings, etc. In India, cities organised into town areas, notified areas, municipal boards, corporations, etc.

Importance of City in Normal Life. The city exercises and has always exercised a great influence in human life. To an Athenian, his city was his great mother for whom he lived and died. He was of the city as the city was his. This intense devotion to city has become for all times, the symbol of the highest citizenship. This love of Athenian to his city was due to the revolutionary possibilities of cultural and moral development which the city opened out for him. The city however, does not occupy the position of sole benefactor of mankind today. Still, its importance in the life of its members is very great. It also occupies an important position in the life of the nation.

(1) *Unit for Local Self-Government.* A city constitutes another ideal unit of political organisation within a nation. The problem of the city are so near to every citizen that he is bound to take keen interest in them. Naturally, democratic government has a greater chance of success in a city than in any other community. The city municipalities and corporations provide more useful and varied services to their members than any other organ of the government. They minister to the direct needs and daily requirements of the citizens. As such they are considered indispensable in all democratic countries of the world.

(2) *Important Unit of Economic Life.* A city is an important unit of economic life of the nation. It is in the city that all the important large scale and small scale industries of the nation are centred. The purchase and sale of all the manufactured articles or raw products is carried on within the cities. The city

supplies the village those manufactured articles which they lack. Dealings in forward transactions or purchase and sale of shares are also carried on in the cities. Again, the institutions of credit control, i.e., banks, insurance companies, etc., are mostly centred in the city. In short, we can say that it is the city community that makes largely for the wealth of a nation. The more the cities a nation has, the richer it is, because the city represents the growth of commerce and industry.

(3) *Centre of National Culture.* The city is the seat and centre of national culture. It is within the cities that great centres such as universities and colleges exist which diffuse knowledge and carry on constant investigation of truth. It may be said that in certain countries, the capital cities determines, by a sort of unconscious influence, the dress the nation will wear and the pictures the nation will like.

(4) *Creator of Critical Outlook.* Further the city community by its nature produces a spirit in its members which is critical, progressive and rational. The reason for this appears to be that within the city, men have some control over nature which is not possessed by the villagers. Storm or rain cannot make or mar their lives to an extent to which they can of the villagers. They, therefore, come to have a confidence in their own powers. Again, the city dweller comes into frequent contact with strangers and thus learns new things and ideas. The differences which he comes across lead him to think and find out the best among the many cultures and institutions. On account of this peculiarity of city life, it always remains dynamic and radical. It is for this reason that all movements for renaissance have originated in the cities.

(5) *Centre of Recreational Activity.* Again, the city provides means of recreation which are lacking in the villages. Many sorts of clubs, entertainment houses, cinemas, theatres, dancing halls, etc., arise in the city where the citizens can please themselves. But this

aspect of city life is not without its dark side. Unhealthy recreations of the type of gambling dens, drinking houses, prostitute quarters, etc., also develop in the cities. They thus ruin the lives of thousands of young men and women.

(6) *Centre of Political Activity.* The city is also an important centre of intense political activity. The headquarters and important branches of the main political parties in the country are situated in the cities. All important party conferences and congresses are held in the cities. The legislature of the country also functions in the cities.

The city thus makes for civilisation and cultural advance. It has always stood and will always stand for the advancement of culture and civilisation. The city is in short, the centre of national culture, of political life and of economic activities.

Problem of Loyalties. Naturally, the city community looms large in the loyalty of its members and in the councils of the nation. Often the citizen thinks more of his city than of any other community. This is not a correct attitude for a citizen to take. The other communities are as essential as the city and must, therefore, be given their due. The nation also must not favour the cities at the expense of the villages. Both are necessary for the national welfare. It must, therefore, provide for the welfare of both.

§ 3. NATION

Although of recent growth, the nation is the most important of all the communities existing in the modern world. It evokes a loyalty of the same intensity from its members as was done by the city from the Greeks. The nation is the great *mother of the modern man as the city was that of the ancients or the tribe was of the primitive people.*

Various Definitions. It is, however, difficult to give a clear picture of the nation. Unlike a village or a city it cannot be seen. Many definitions of nation.

have, therefore, been given by writers. Thus Burgess defines it as, "a population of an ethnic unity inhabiting a territory of geographic unity." Muir defines it as "a body of people who feel themselves to be naturally linked together by certain affinities which are so strong and real for them that they can live happily together, are dissatisfied when disunited and cannot tolerate subjection to people who do not share their ties." "It is," says MacIver, "the active sense of belonging together, extended beyond that which inspired the tribe or the city by the great agencies of inter-communication—social, cultural and economic, which have widened the thoughts of men."

We may briefly say, that a nation is a body of persons living together or wishing to live together and possessing a sentiment of complete oneness among themselves and separateness from all others.

Elements of nation. A nation has thus the following elements :—

(1) It is a group of men fairly large in number. It is not possible to say what number of men is requisite for the existence of a nation. But it must be a group that is distributed in a number of cities and villages. The residents of one city or one village alone cannot be termed a nation. It is a population which lives in many cities and villages.

(2) A nation consists of a group of men bound by a peculiar sentiment which gives these men a moral unity. Every group of men which is fairly large cannot be called nation. It is only that group which possesses the sense of unity born of common living or common traditions, or common outlook, or common race, or common religion, or common language, or common sufferings or common aspiration, that can be termed a nation. The thing that distinguishes a nation from any other group of men is thus this possession of a psychological unity.

Factors in the growth of nation. A population can become a nation. that is to say, can come to have

the peculiar sentiments noted above on account of any or more of the following factors :—

(1) *Religion.* Religion plays an important part in producing a sentiment of oneness in a mass of people. But with the development of religious toleration and freedom of belief, people have developed national feeling in spite of religious differences. Germans, Swiss and Americans are all a nation in spite of the fact that part of those people are Protestants while others are Roman Catholics. In some places, however, religion has played a negative role by keeping apart two people which otherwise had a tendency to unite. Holland and Belgium broke off from the Union because of religious diversities. Ulster remains aloof from the Irish Free State because of religious differences. In India, Hindus and Mohammedans have not merged together to form a nation because of religious fanaticism.

(2) *Race.* The sameness of race is an important factor in the formation of a nation. But pure races are rarely to be found. Fusion or mixture of races has taken place everywhere. Moreover, the presence of the element is not considered now as an essential requisite of nationality. Germans and English belong to the same race, but form distinct nations.

(3) *Language.* Sameness of language greatly contributes towards national unity as it enables a closer and more intimate contact among the members of different groups of men. It keeps the sentiment of nationality awake and living through the creation of a common national literature. But this is also not an indispensable factor to constitute a nation. In Canada and Switzerland people speak different languages and still they constitute a nation. Neither does common language necessarily produce nationality. The English and Americans, although they speak the same language, do not constitute one nationality.

(4) *Common Country and habitation.* For a healthy growth of national feeling it is essential that popula-

tion should live together on a fixed territory. But once a national sentiment is developed, it is not necessary to stick to a definite place. National feeling does not disappear because people go away to reside in some other countries. Germans, Jews, Americans, Englishmen, are all scattered throughout the world, without losing their distinct colour of nationality.

(5) *Common Historical Traditions.* Memories of suffering and victories won in common, sometimes, inspire the people greatly to feel attached to each other, specially when those things are expressed through songs and legends in our literature. Similarly, common subjugation under a foreign government and a united effort of the whole community to gain independence invariably unites all the people to form a single nationality.

(6) *Common Government.* A population living under one state for a long time tends to develop national feelings. In Canada, the French and the English live side by side but both of them now regard themselves not as English or Frenchmen but as Canadians pure and simple.

(7) *Community of Interests.* A population living together generally develops common way of life, occupation and customs. The common interests foster a national sentiment which outgrows petty local differences, and merge the population to a national entity.

(8) *War.* War gives to the citizens of each fighting group an intense feeling of oneness among themselves and of complete separateness from all others. This sentiment is the essence of nationality. It is for the reason that it is said 'nations are born on the battlefield'.

We may, however, point out that none of the above factors is an essential element of the sentiment of nationality. They may produce nationality, but they are not its inherent parts. Several of these elements are, however, found operating in every national group. The same state may have a number of nationalities

living under it, e. g.; the Balkan State; the same nation may be divided among a number of states, as Poles or Slavs are today. A nation may even be scattered throughout the world as the Jews at present are. It must, however, be understood that the strength of a state depends a good deal upon its national homogeneity; a state comprising several nationalities is generally weaker and more prone to disruption than a homogeneous state. It is the natural aspiration of every nation to be independent. This idea has given rise to the dictum 'one nation one state'.

India a Nation or Not. In India Hindus, Mohammedans, Christians, Parsis, Sikhs, Jains, etc., are all suffering and growing under the pain of exploitation of a foreign government. They are all unhappy, miserable, poor and afflicted. All classes of people in India want a replacement of this foreign government by their own national government. Several united efforts in 1857, 1920-21, 1930-31, etc., have been made by Hindus and Mohammedans and all other classes of people, to achieve independence for their country. But unfortunately, their attempts have not secured the desired results so far. In this country, the interest of the Hindus and Mohammedans are opposed to each other. All of them gain equally by winning independence for their country.

If a good law is passed, if land is nationalised, if usury is abolished, if unemployment is removed, if the system of education is reformed, it is not only the Hindus or the Muslims who gain but both the classes of people equally. The Hindus and Muslims in our villages wear the same dress, eat the same food; cultivate the same land, and observe the same village customs and traditions. It is even difficult to distinguish a Mohammedan villager from a Hindu. Whatever differences have cropped up between the two major communities during recent years are all inspired by communal leaders who want to maintain their hold on the masses for their own selfish ends, by appealing to the easily excitable religious sentiments of the

people. India is essentially one and the same nation. For the last hundreds of years, we are living on the same soil, breathing the same air and enjoying the same climate and are now suffering under the exploitation of a common enemy. Differences in religion must not blind us to the fact, that we are a common nation ; and that in other countries of the world as well, people professing different religious faiths have merged together to form a nation.

Problem of Loyalty. Nation is the largest unit of effective political organisation in modern times. As such, the nation means everything to the citizen. It brings him things which he would not otherwise have got—things which are both cultural and material. It must not, however, be ignored that ultimately nation community is an extension of social life, and there is no reason to believe that further extension of social life would stop with it. The ignoring of this factor, however, has made the nation community a danger to the world community. It claims exclusive loyalty from its members and this claim ends in wars between different nations. This should not be the case. Nation community should realise its limitations itself to the wider interests of humanity.

All nations do not possess organisation. The majority of them are independent political units possessing various types of government. All nations, however, seek to be organised into independent states.

§ 4. THE WORLD COMMUNITY

This community is the largest in size but it does not possess any great appeal on men. It is still in the making. We have already shown the factors that are causing its growth.

It possesses no organisation of its own. An attempt was made after the war of 1914-18 to provide a rudimentary organisation to the world community by setting up a League of Nations. Some of the most important nations of the world, however, never joined it. It thus remains partial in character and did not

(2) The right of association for all lawful purposes by the employed as well as by the employers. (3) The payment to the employed of a wage adequate to maintain a reasonable standard of life, as is understood in their time and country. (4) The adoption of an eight-hour-day or a 48-hour week, as the standard to be aimed at. (5) The adoption of a weekly rest of at least 24 hours, which should include Sunday wherever practicable. (6) Abolition of child labour. (7) Equal wages for men and women. (8) Equitable economic treatment of all workers. (9) Frequent inspection of factories.

Constitution. The members of the International Labour Organisations are all the member states of the League of Nations, but non-members of the League can also become its members.

It consists of two main organs :—

- (1) International Labour Conference.
- (2) International Labour Office or I. L. O.

International Labour Conference. The conference consists of the representatives of the member states, each of which sends four representatives. Two of these members are representatives of the government, one of the employers and the others of the workers. The representatives of the employers and the workers are appointed by the government in consultation with their respective organisations. Each of the four delegates votes separately and is free from any control.

The function of the conference is to establish uniform rules with regard to labour conditions in the different countries of the world. It passes conventions and resolutions for improving the conditions of labourers. The decisions are arrived at by majority in the case of resolutions and by $\frac{2}{3}$ majority in the case of conventions. The conference meets at least once a year and may meet more often, if necessary.

International Labour Office or I. L. O. The I. L. O. is managed by a governing body of 24 members. Twelve of these are government delegates— eight being perma-

nent and representing states of chief industrial importance. (Belgium, Canada, France, Germany, Great Britain, India, Italy and Japan), while the other four are not permanent and are elected from among the other countries for a period of three years. The other 12 are non-government members—six of whom are elected by the employers' delegates and the other six by the workers' delegates.

The governing body elects its own chairman for three years. It meets once every three months. It appoints the director of the labour office, votes the budget, appoints the members of the commission and determines the agenda of the Conference.

The I. L. O. is under a director, who is an ex-office Secretary-General of the Conference.

The two objects of the I. L. O. are—

(1) to examine the subjects suitable for the purpose of the Conference ; (2) to prepare technical reports on such subjects and place them before the Conference.

The other important functions of the I. L. O. are—

(1) to communicate with the member states regarding the ratification of conventions ; (2) to maintain relationship with the employers' and workers' organisations of the various countries ; (3) to carry on research on labour problems.

The Permanent Court of International Justice.
Constitution. It consists of 15 ordinary judges and 4 deputy judges, elected for a term of nine years by the League Council and Assembly.

The court elects its own president and vice-president for a period of 3 years and further appoints its own registrar.

It holds an ordinary session every year in June, but may also be summoned whenever circumstances so demand.

Functions. The functions of the Court are of two kinds—(1) Advisory, and (2) Judicial.

(1) *Advisory.* It gives opinion to the Assembly and the Council on International Law whenever called upon to do so but these opinions are not binding. (2) *Judicial.* It has compulsory jurisdiction in cases in which the parties to the dispute have agreed in writing to refer their disputes to the Court for settlement, but in other cases it is optional on the parties to refer their disputes to it or not.

Conclusion—Failure of the League. We have given in some detail the first attempt made to give a rudimentary organisation to the world community. This attempt has not, however, met with any great success on its political side, partly because it ignored the principle that no lasting peace can be maintained in the world unless all nation states—not merely European nationalities—are free and secure in their fundamental rights. It also failed because it sought to maintain an unjust and atrocious peace treaty. Further, it gave undue representation to England and France and ignored the claims of the less powerful states for an equality of status.

Social and humanitarian activities of the League. Though the league could not achieve any marked success in its political object of securing international peace and preventing war, yet it has been highly successful in its social and humanitarian activities.

One of the most notable achievements of the league has been the great financial help it rendered to Austria and other countries in rehabilitating their economic life and thus saving Europe from the menace of an imminent bankruptcy.

It also did a great deal to help the refugees of war and to repatriate about 3 lakhs prisoners of war to their respective countries.

The League maintains a Health Organisation with an Advisory Council, a Health Committee and a

Secretariat. The functions of this Health Department are (1) to assist individuals in carrying on research into the causes of epidemics, (2) to collect and disseminate all useful information regarding health and sanitation in different parts of the world, and (3) to render active help in combating the outbreak of epidemics in any country. It was mainly through the efforts of this department that the spread of typhus was checked everywhere.

Through the constitution of a Central Board; the League has tried to prevent illicit traffic in opium and other poisonous drugs. The export of opium from India to China has been stopped altogether.

Another very important humanitarian activity of the league has been to prevent traffic in women and children for immoral purposes. It has also tried to suppress traffic in slaves.

The league has also a committee for promotion of intellectual co-operation between the different nations of the world for bringing about good mutual understanding between them.

The most important social and humanitarian activity of the league has been in the direction of the amelioration of the condition of labour. The International Labour Office of the league has done yeomen's service in this direction.

§ 5. CLASSES

The community whether local, national, or world is not altogether a homogeneous affair. Within it exist sections differentiated among themselves by feelings and sentiments.

Definition. The class is one such section of community. It is difficult to define a class in precise terms because it is, like nation, a matter of feeling. It may be said, however, that modern classes consist of persons who occupy the same economic vocation or status. The members of a class usually intermarry and as-

sociate among such persons only whom they consider of their class or rank.

Various Classes. In every community there are a number of classes, the most important of which can be said to be the capitalists, the upper middle classes, the lower middle classes and the wage earners. It is, however, difficult to say where one class ends and another begins. Within each class there are economic differences among individuals, and for this reason, in marginal cases it is difficult to say to which class one belongs.

Capitalists and Wage Earners. We often find people asserting that there are only two classes into which the community is divided, one of the owners of capital and the other of the wage earners. But this simplification leads to many errors about the social process.

Division into Classes—Natural. The division of society into various classes is to a certain degree natural. It is so because each vocation produces certain reactions on the minds of those who follow it, and these reactions are different from those produced by other vocations. Similarly, the difference in economic status also arises from the varying capacities of human being.

Present Division Unjust. But, to say this is not to admit that class division of our times is just and equitable. We find today this division to be the result of injustice; because under this system all human children do not get similar opportunities for the development of their personality. A poor man's child, even though he may be born with the genius of Shakespeare, may not be able to make any mark in life for lack of suitable opportunities. On the contrary, rich man's son may easily rise to a high social position, even though he may be only a mediocre.

Effects of Class Division. This unjust class division has consequently produced serious problems in social life which demand solution, and on the right solution of which depends the welfare of man. Especially, the

division into rich and the poor has made each community an amphitheatre for bitter struggle. There are two nations, so to say, within each nation, two cities within each city, each hostile to the other. Much of the crime in our society results from this division.

Classes are Changing. The class, however, is not a fixed and closed structure. It is always changing in its membership. The vagaries of economic fortune may raise a wage earner into an aristocrat and may lower a capitalist into wage earner. But it is rare for a capitalist to fall to the level of a wage earner or for the latter to rise to a higher position than that of a worker.

§ 6. CASTE SYSTEM

The class structure, however, gives that fluidity to social relationship which is absent in caste system.

Caste Defined. The caste is a body of persons bound together by ties of actual or fancied common blood and common occupation. The membership of the caste is determined by birth and not by economic status.

The members of a caste have common customs for marriage, dining, social intercourse, etc. These customs differ, even though the differences may be slight, from the customs of other castes.

Advantages of caste system in the past. The importance of caste in communal life was very great in the past. (1) It ensured division of labour in society and thus made for greater efficiency and economy in production. (2) Again, the caste transmitted professions from generation to generation. This meant that the advance made by one was not lost to the other. The danger of the loss of technical skill was very great in those days because there was no organised system of preserving and advancing knowledge. The caste made this preservation and progress possible. (3) It also maintained professional discipline and honour. (4) It was a unit of political regulation in those days when the state was in a nebulous condition. It gave a sort of functional democracy to the community.

(5) It produced greater unity, solidarity and compactness among persons belonging to the same caste. (6) Members of the same caste helped each other in times of distress and unemployment. The caste system thus developed some of the highest civic virtues among the citizens such as instincts of love, service and sacrifice for members of the same caste. (i) Caste system saved Hinduism from being drowned in the gulf of other religions. () It preserved racial purity of some of the high bred classes and prevented indiscriminate racial mixture in blood, custom or speech.

Its disadvantages in modern times. But, today the caste system has lost its reason for existence. It is now positively injurious.

(1) It narrows the outlook of its members. (2) It creates gulf between the various sections of the community and thus makes united action impossible. (3) It is a check on the economic and intellectual progress of the community for the simple reason that it keeps economic and intellectual opportunities confined to a certain section of the population only and denies them to the others. There is no reason to suppose that aptitude for a particular profession or industry does not exist outside the caste which follows that profession or industry. A sweeper, for example, now-a-days cannot be permitted to devote himself to education or science even when he possesses great mental capacity. This is manifestly unjust to him and injurious to society. (4) Much of human energy and talent remains unutilised by the community with a consequent loss to its culture and civilisation. No opportunities are provided for the education or welfare of the lower castes. Talent of the lower castes is, therefore, lost to the community. (5) In the economic field, caste system prevents perfect mobility of labour and productive effort and hence economic resources of a country cannot be exploited to the best advantage of the people. (6) It perpetuates exploitation of the economically weaker and socially inferior classes and thus leads to discontentment. It protects privileges and stifles initiative

and enterprise. (7) It fills the higher caste men with a false sense of dignity, prestige and pride and thus encourages jealousy. (8) It leads people to think in terms of their own caste and not of nationalism. At the time of elections people vote for the candidates of their own castes and not for the best qualified persons. (9) Democracy and citizenship demand levelling in all directions and hence abolition of the caste system. No social arrangement should permanently debar an individual from developing his personality. Every human being has a moral dignity of his own which he must realise with the help of social arrangements made available to him.

The caste system, in brief, is a barrier to the future economic and intellectual progress of the community. It is the enemy of united social action and social peace of the community; is the slave of custom; the guardian of conservatism; and the narrower of the visions and sympathies of men. It is a misfit in a world which lives on mechanical production and keen competition and must, therefore, go.

§ 7. PROBLEM OF LOYALTIES

The individual human being thus finds himself a member of many social groups at the same time. He is a member of a family, a cultural association, a religious association, a recreational association, political association, a caste, a village, a nation and so on. All these different associations and communities have a great value for him. They alone make possible the development of his personality and the realisation of his best self. Naturally, he has love and sympathy for each of these various social groups.

1 The duty that the individual owes to a social group in return for the services which it renders to him, is usually termed as loyalty. Being a member of numerous associations at one and the same time, the individual is subject to many differing and different loyalties to his social groups. The citizen can lead the best

possible social life only when he gives each social group its due. In other words, he can live a good life only when he knows how to harmonise his loyalties to the different associations and communities of which he is a member.

The best solution for the ordering of conflicting loyalties consists in the subordination of a lower and smaller self to a higher and wider self. "My family before myself, my community before my family, my nation before my class and humanity before nation"—this should be the guiding principle of civic conduct. Whenever the citizen finds that there is a conflict between his duties towards different associations or communities, he should always sacrifice a narrower interest for the sake of the larger interest. If there is a conflict in our duty towards the family and our duty towards the locality, we must always sacrifice our family for the sake of the locality. Similarly, the claims of the locality should be sacrificed before those of the country.

Associations should always be considered of smaller value than the whole community within which they exist, and a smaller community should be considered subservient to a larger community.

An association should be considered of lesser importance because in comparison with the community, it fulfils only partial interests. The family makes possible the satisfaction of our sex instinct, but it does not provide for the satisfaction of our cultural instinct, which we can satisfy adequately only in a school or college. The former, therefore, cannot be a substitute for the latter. Each association fulfils one or more distinct objects. The community, on the other hand, is the area where all social relations exist, where our whole personality finds expression. It, so to say, cares for our whole self, whereas the Associations look after a part of ourselves. Naturally, we must be ready to subordinate the interests of the associations, for the sake of the community.

The second point is quite clear. The smaller community can continue only in the midst of the larger community, and its claim must, therefore, be subordinate to the larger one. We must subordinate the village and the city to the nation, and the nation to the world community.

We may then say in a general formulae that the interests of the association, such as the family, the church, etc., must be subordinated to those of the community which contains them and the smaller community must be subordinated to the larger one. In short we say that *citizenship consists in the subordination of the smaller self to a higher and wider self.*

TEST QUESTIONS

1. What important part do villages and towns play in national life? How are they organised for civic purposes. (U. P., 1931)
2. What do you understand by the term 'city'. Discuss its origin in brief and point out the main functions it performs.
3. Describe the important functions which a village performs in the larger life of the national community.
4. What do you understand by the term 'nation'? What are the various elements that help in its formation?
5. What are the aims and objects of the League of Nations? Give some account of its social and humanitarian activities. (U. P., 1937 and 1940)
6. Man's higher progress is a series of subordinations of a smaller self to a bigger and wider self. Explain and state the relation of one's duties to his family, to his locality and to his nation. (U. P., 1931)
7. What are the main objects of the League of Nations? Indicate the salient features of its constitution (U. P., 1928, 1939)
8. What do you know of the International Labour Office at Geneva. (U. P., 1909)
9. What are the main functions of International Court for Justice? Discuss its organisation in brief.
10. What do you understand by class system? What are the main classes in modern society? How do they influence social life?
11. Discuss the advantages and disadvantages of caste system?

individual finds himself a drop in an ocean of humanity. He naturally feels himself powerless. Associations give him a sense of power and protect him against unwarranted aggression. An illustration would make our meaning quite clear.

A tongawala finds himself quite helpless against the police constable if he has to deal with the latter as an individual. The latter can compel the former to do what he likes on the threat of prosecuting him on a trumped-up charge. But the same tongawala will be able to resist the aggression of the constable if he unites with others of his profession and forms a union. The union can help him by providing an able defence if he is prosecuted.

It is thus obvious that associations, in our times, have become both the sword and the shield of the individual.

Various types of social organizations. We have shown above the importance of an association as such. We find, however, that men organise themselves not into one but many associations. The reason for the multiplicity of associations lies in the many-sidedness of the human personality. Every man has many interests to fulfil. He wants to satisfy his sex instinct, provide himself with a good economic standard, worship his gods in his own peculiar way, play a congenial game, satisfy his curiosity by study or sight-seeing and so on. All these things he cannot possess in one association only. He has, therefore, to join many associations for the realisation of his desires. Thus, his religious beliefs lead him to form an association with those who hold similar beliefs as his own, his political opinions makes him join those who agree with him politically, and so on. In short, we may say, that the several associations come into existence for the several interests of their members.

Classification of associations: These associations are of all kinds, sizes and importance. It is difficult, however, to classify them on any uniform principle.

The following criteria have been adopted by us for their classification :—

(1) Duration ; (2) condition of membership ; (3) purpose of their existence, and (4) power they possess.

(1) *Duration*. On the basis of duration associations are classified as temporary and permanent.

(i) *Temporary Association*. It is one which is organised for such a common purpose, the fulfilment of which renders the association useless. Such an association dies as soon as it completes its task. Associations of this nature are always those which are organised to advocate some measure of reform in society or to provide some measure of relief to the people who have been victims of a natural calamity. For example, society for the prohibition of drink or flood-reliefs, etc., may be termed as a temporary association.

(ii) *Permanent Association*. It is one which is rooted in the abiding interests of men, for example, the state. It will always be necessary, whatever may be condition of men.

(2) *Condition of Membership*. On this basis they may be divided into compulsory or natural, and optional or artificial associations. A *compulsory or natural association* is one the membership of which is essential for every man, irrespective of the fact whether he likes it or not. Such associations are the family and the state. *Optional or Artificial Associations*. These are associations the membership of which is optional or voluntary, that is to say, only those and no others need join them who desire to do so. Such associations are different churches, trade unions, recreational, economic, philanthropic associations, etc.

(3) *Purpose or Functions*. Associations may be classified into the following classes on the basis of the purpose or the functions for which they exist :

- (i) Biological. (ii) Economic (iii) Cultural. (iv) Philanthropic. (v) Political. (vi) Religious.
- (vii) Reformatory. (viii) Recreational.

(i) *A Biological Association.* It is one which exists mainly to fulfil purpose, of propagation and preservation of life. Such an association is the family. It is so important an association that it requires a detailed study. We shall, however, discuss it in a later chapter.

(ii) *An Economic Association.* It is one which exists mainly to promote or protect the economic interest of its members. Such associations for example are the Chambers of Commerce, the Employers' Association, Trade Unions, etc. The various *vocational associations*, i.e., associations of persons following the same vocation, like Doctor's association or Lawyer's associations, or teacher's association, etc., are also included in this class. These economic associations, though primarily meant for the promotion of the economic interests of their members, perform several other functions for the promotion of the welfare of their members. They encourage, the advancement of professional and craft knowledge, help weaker members and create a feeling of brotherliness and co-operation among persons following the same vocation.

These associations may be local and regional or national and international. We hear of the International Labour Organisation, the world Federation of Trade Unions, etc. The economic associations have assumed very great importance in modern times. They carry on a vehement propaganda for the protection of the economic interests of their class and often they force the hands of the government to initiate measures for the betterment of the conditions of trade, commerce or service. Sometimes, these associations organise strikes or lockouts and thus paralyse the productive activity of the nation. They must be controlled by capable leaders and kept in proper check by the state so as to prevent them from dislocating the economic life of the community by their actions.

(iii) *Cultural Associations.* Such associations are those which are organised for the promotion and diffusion of culture within their members and the community in general. Universities, college, etc., are exam-

ples of such associations. These associations undertake to impart knowledge to, and develop the mental faculties of, those who study in them. The various scientific, literary and research academies, public libraries, museums, art centres, etc. also belong to this class.

(iv) *Philanthropic Associations.* They are those which are organised primarily for the purpose of helping the destitute, the crippled and the unemployed. The widow ashrams, the orphanages, relief societies, etc., are the examples of such associations.

(v) *Political Associations.* They are those which exist either for the purpose of political regulation of communal life or for the securing of political power to themselves. State is the greatest political association. It plays a very important part in human life. The happiness and progress of a country, to a very great extent, depends on the state. Political parties, such as the Indian National Congress, the Muslim League, the Hindu Mahasabha and other political clubs, are the other examples of political associations. They shall be discussed in detail in a later chapter.

(vi) *Religious Associations.* They are those which are organised by persons holding common beliefs in religious matters. These associations provide a common platform for the meeting of their members, carry on an active religious propaganda, protect the religious rights of their members, and provide for a common worship place for their members. They play, and have always played, a very important part in the social and individual life of their members. The importance of religion in human life has always been very great. It gives him a vision beyond his mortal life. It gives him freedom from the turmoils and tribulations, the miseries and wretchedness, of this imperfect world. Religion makes men believe in the wisdom of God and gives them the faith that human life is ultimately ruled by reason, love, sympathy and not by force or hate. It gives depth to human personality and stability to social

relations. Ultimately, it is on religious faith that all authority and all social relationship depends. Religion is the cement that holds human beings together.

Unhappily in the past, the various churches have been responsible for much worst persecution and conflict. This happened because the churches forgot their real mission and tried to do what they were not expected to do. Again, they used a weapon, i.e., the weapon of persecution which is not their natural weapon. Their true weapon is their appeal to reason and humanity. They should not try to dictate. They must realise that they will truly succeed only when they themselves follow the path of the Lord which is that of love, service, sympathy and reason.

Then again, in the name of religion, all sorts of social malpractices and evil customs are defended. In India, early marriage, the institution of untouchability enforced widowhood, *dev dasi* system, animal sacrifice before deities, and the fattening of corrupt and debauched mahants and priests over temple property or offerings, are defended in the name of religion. Such practices should be open to revision and regulation by state legislation and public opinion because they hamper the development of the young mind and produce a demoralising effect on the nation.

Further, religion must teach us the lesson of toleration. We must allow the other religions their due. All religions essentially aim at the same thing and hence we must not look with an eye of hatred or contempt towards them.

(vii) *Reformatory Associations.* They are those which are organised by such people as entertain a common belief about the necessity of removing from society what they consider an evil. The example of such an association is the Harijan Sevak Sangh in India which aims at the removal of untouchability from Hindu society. These associations again, are essential and important. They perform the task which a doctor does in physical life. Their object is to restore the

health of society by curing the disease from which it is suffering. Often, society tends to become conservative. Often, institutions, however dangerous they may be, come to possess a sacredness on account of their long history. The majority of men acquiesce in them imperceptibly and unconsciously. The reformers awaken the sleeping conscience of the community to the inequities and injustices of the social system. They perform extremely useful tasks. A reformer must, however, remember the remark of Gandhiji, that, 'his path is full of thorns and pitfalls.' These associations, must not try to impose reform on an unwilling community. Reform is always slow in operation and the conscience of the community must be widely awakened before it can become effective. An attempt to impose reform on unwilling people is as harmful as is the opposition to any reform whatever.

(viii) *Recreational Associations.* They are those which are organised for the purpose of providing recreation to their members. The examples of such associations are the various social clubs, sport clubs and artistic clubs. These associations are also important in social life. They are its safety valve. They make life a thing of joy and pleasure. They soothe the tired man and save him from ennui and boredom. Within their precincts the worries and anxieties of the world are forgotten and man touches the fountain springs of his being. Here again, it must be remarked that all recreational associations do not perform this noble function. Some of these associations, like gambling dens or drinking clubs become centres of degeneration and corruption. Such associations constitute the plague spot of civil life and must not be tolerated.

Power. On this basis associations may be classified into : (i) Sovereign : (ii) semi-sovereign, and (iii) non-sovereign associations.

(i) *A Sovereign association* is one which possesses unlimited power of issuing command and securing obedience from its members. Such an association is the state.

(ii) *A Semi-Sovereign* association is one which possesses some but not all the attributes of sovereignty e.g., a Municipal Board, District Board, etc.

(iii) *A Non-Sovereign* association is one which does not possess such a power, but which acts through persuasion, e.g., religious associations, recreational associations, etc.

Problem of Loyalties. Associations, as we have seen exist to perform important services to man. These associations are therefore entitled to expect the loyalty of their members. They can claim from their members devoted service even at the cost of a certain sacrifice of comfort. They can ask the members to act enthusiastically for the association and devote their energies for its good. They can levy contributions on their members for the purpose of securing funds to carry on their work. Again, they expect their members to obey all rules made by associations. They can punish any member for disloyalty or disobedience by ex-communicating him.

They Must Expect, Not Total But Partial Loyalty. But these associations should not and cannot ask their members to do anything they please. They can ask only for certain things and not all things. This is so because an association satisfies one and not all the interests of its members. A religious association looks after the beliefs of its members and does not and cannot provide them with bread or recreation. In other words, only part of the life of a man passes in any one association. He cannot, therefore, be expected to care for one association only and neglect the others. The family cannot ask its members to ignore all the other associations of which they are members. If it makes such an attempt, there would be conflict and civic life would suffer. It is, therefore, essential that each association should always subject its claim to the good of community as a whole. Each association should try not only to promote its own interests but also all such interests which are common to all. It is only when associations

live for the sake of the whole community, that they would be able to perform their functions properly. The following illustration would make our point clear :

Example. Mazdoor Sabhas or trade unions exist to protect the interest of the workers ; employers' associations exist to protect the interests of the employers. Suppose the Mazdoor Sabha considers that a 10% increase in the wages of the workers is necessary for the greater comfort of the workers. The employers' associations consider such an increase as injurious for its interests. Each of these associations should not try to press its claim on the basis of its interests only. Both of them should consider which claim is essential for the greater good of the community as a whole. It is only then that their claims could be adjusted. If they considered only their interests, there would be no basis of agreement between them and a perpetual class war would result causing injury to both. In short, no association has a right of compelling its members to do things that are injurious to the whole community.

TEST QUESTIONS

1. What are the main types of associations in which a modern community organises itself. (U.P., 1941 and 1942)
2. Why is it necessary for man to move in associations? How do you distinguish between the functions of a social club, and athletic association and a state? (U.P., 1933)
3. How would you classify associations? Point out in brief the functions performed by the different associations.
4. What is the place of associations in the social life of man?
5. Write short notes on :—
(i) Compulsory associations. (ii) Temporary associations.
(iii) Reformatory associations. (iv) Biological associations.
6. Describe the important part played by cultural and religious associations in the social life of man.
7. What is the importance of reformatory associations in society? How do they improve the tone of social life?
8. How would you classify associations on the basis of duration and power?

CHAPTER VI

FAMILY

Definition. We may roughly define family as an association consisting of a man, his wife or wives and children, established for their mutual satisfaction and support.

Basis of a Family. The basis of a family lies in a complex of instincts of its principal members, i. e., the husband and the wife. The most important of this instinct is, however, the sex instinct which has both biological as well as psychical significance. Every man or woman seeks to multiply or to produce children. This urge is but natural. Again, the association of a man with a woman has certain pleasing sensations. The consequence is that family life is the most passionately loved life because it is the home of joy and satisfaction.

Evolution of Family Life. We cannot say definitely how family originally came into existence. But we do find that it has assumed its present shape in the modern communities after a long course of evolution. Originally the family was patriarchal, the characteristics of which we have given in an earlier chapter. When the state arose, the father lost his right of inflicting death or slavery on his children because this power was taken over by the state. With the rise of Christianity polygamous household ended in most cases and family became a union between one man and one woman. With the rise of rationalism, woman began to secure an equal status with man in the family, until we find that, today, she has become a partner instead of being a slave of her husband as she originally was. This evolution shows that family has undergone a vital change in its nature and constitution during all these ages. It is possible that it may change still more radically in the future.

Organisation of the Family. The organisation of the modern family is quite simple. The power of control and making rules for family behaviour is vested with the father though the mother has also in recent times begun to play an important part in this respect. The management of the various functions of the household is usually with the housewife, though the father also looks after some important things. Broadly speaking, the father looks after the family business, while the mother cares for household duties. In some cases both the husband and wife earn for the support of the family. In rare cases the earnings of the wife alone keep the family going. The sanction behind the paternal command and regulation is love, and in extreme cases ex-communication. The parents are also authorised by the state to inflict light punishments on the children for their good.

Functions of the family. Family performs functions which are extremely important for individual and social welfare. Therefore, though it is the smallest association, yet it is the most important. Its functions may be classified as (1) biological, (2) economic, (3) cultural, (4) civic, (5) recreational, and (6) religious.

(1) *Biological.* The biological function of the family is the basis of its existence. It exists for the procreation and nursing of children. It is within the family that life multiplies and grows. We can say that the proper nursing and care of children cannot be possible under any other arrangement. The father and mother are drawn to their children by such natural impulses of love as others cannot possess towards them. They find it pleasant to serve their children, to care for their comforts and labour for their happiness. Others would feel it a burden to look after these children because it involves immense trouble and inconvenience. No other persons except the parents are bound to the children by the ties of love. It is, therefore, they who can bear all this hard burden with the greatest pleasure.

We may, therefore, conclude that family is nature's

own arrangement for the protection and preservation of the children. In other words, family not only generates new life, but also protects it with the most enthusiastic efforts.

(2) *Economic.* Again, the family performs functions which are either economic or semi-economic in character ;

(a) In the first place, family participates in the process of production through the organisation of some business.

(b) In the second place, it is a unit which holds and transmits property. The institution of inheritance born and supported by the family has important consequences in the life of the community. Through this institution the family transmits property to its succeeding generations on the basis of which depends much of their success and happiness.

(c) In the third place, family draws up its budget for the apportionment of its income to the various needs of the family and its members. This can be done best by the parents who are guided by sympathy and love.

(d) Finally, family often transmits a vocation from generations to generation.

It is thus seen that family is an important unit of economic life even today.

(3) *Cultural.* Another important function of the family is the development of culture among its members. The personality of the members is enriched by their mutual contact. The parents are creatures of sympathy and affection - qualities, which constitute an essential part of culture. In the second place, the children learn by imitation, the language, the manners, and the etiquette of their parents. Thirdly, the earliest education of the child begins in the family. This education is imparted to the growing child in an atmosphere which is more congenial to his nature than the atmosphere of the school.

In short, the family passes the acquisitions of the past to the child with the least possible strain on his mind.

(4) *Civic : Family is the Eternal School of Social Life.* One of the most important functions of the family is the evoking of the social spirit in the growing child. It is so to say the eternal school of citizenship.

Social life depends on certain virtues which are present in every human being, but these virtues are dormant in the child at the time of its birth. It requires a stimulus for its development which is provided by the family.

Love. In the first place family atmosphere is surcharged with love. The tie between husband and wife is one of mutual affection and respect. Again, both father and mother shower love on their children. They remain ready to do anything in their power for the sake of the child. The child thus breathes the air of love and grows up to be a creature of love. Love is the basis of our social relations. Family, thus, evokes in the child a quality which is the foundation of true civic life.

Service. In the second place family is the home of selfless service. The parents serve each other not for any monetary consideration but out of love. Their care and consideration for the children is most unselfish and continuous. The children learn the lesson of service by example of their parents in the family. This spirit of service is again the basis of true citizenship.

Co-operation. In the third place, family depends on co-operation among its members. The parents co-operate to provide for the needs of the family. The children co-operate to play. In this way, the child gradually imbibes the lesson of co-operation and begins to see its importance in life. Co-operation, again, is the basis of civic life. In this way the family helps the child to grow up into a good citizen.

Toleration. Similarly, family develops the virtues of toleration and loyalty—both of which are extremely important to a good civic life. Within the family toleration and loyalty have to be practised for its success and happiness. In an atmosphere of conflict and discord family life is bound to end in disruption. The child, therefore, learns these qualities by practice and example within the family.

Education. The family serves as a great school of education. The mind of the child is very plastic and impressionable, naturally therefore, it imbibes a great deal of information about the ideas, opinions, habits and ways of living prevalent in the family. Lives of great men, all tell us how the whole foundation of their future career was laid in the family.

Obedience and Discipline. The children out of respect and love obey their parents. They are made amenable to family discipline. The head of the family sees to it that the child learns only those things which are good for his future life. These instincts of obedience and discipline very much help the child in developing his future social life.

We thus find that family is the most natural and the best school for the teaching of civic virtues. This truth was well expressed by Mazzini in his remark, "the child learns the best lesson of citizenship between the kiss of the mother and the cares of the father."

(5) *Recreational.* Family is also a centre of recreation. The father, after the day's labour, finds himself refreshed by playing with the children. Again every person finds a comfort and joy in the company of his wife. Within the family he sees visions of paradise and forgets the worries and the amenities of the world. A good family is the abode of peace and joy, of play and recreation.

(6) *Religious.* Finally, the family develops religious and spiritual qualities of its members. The children are brought up in the religion of their parents. They develop habits which make them spiritually good.

The family brings the parents nearer to God everyday. In their children they see the divine presence. The children make their parents humane and gentle and thus they give as much to them as they take from them.

These functions make the family the keystone of the arch of good social life. It is the temple in which all that is noble and great dwells. On it depends the fate of the child. It is, in short, a miniature university, a miniature church, a miniature club, a miniature state and a miniature world.

Problem of Family Loyalty. Naturally, the family draws the most passionate loyalty of its members. This loyalty is more intense than that given to any other association. Herein lurks a danger. It may happen that family may absorb all the sympathies of its members. In other words, a man may live merely for the good of his family and sacrifice the good of the country or the world for its sake. This has happened again and again in human history. In our country this danger exists in a great degree even today for one social structure is based on family loyalty. It is essential for a person who seeks to live a true social life to know the limitations of his allegiance to the family. It is only when this limitation is kept in view that family would be able to discharge its civic functions efficiently.

Condition for the success of the family life.

Apart from this the success of the family as much depends on certain conditions. The family can succeed in imbibing good qualities in the children only in a healthy environment. The mind of the child is very plastic and naturally, therefore, what he sees going on around him leaves permanent impression in his mind and character. A child born in a drunken family, brought up amidst misery and starvation and faced with family bickerings and abuses will grow with habits deformed and character spoiled. Healthy family conditions are, therefore, essential for the development of

civic virtues. These conditions are partly external to family life and partly inherent in its organisation.

External Conditions. The external conditions essential for the success of family life appear to us to be the following :—

(1) *Economic Minimum.* The family as such, must have the right of economic minimum secured to it. It means that the family must be provided that amount of wealth by the state which is essential for the full satisfaction of the needs of all its members including the children. This does not mean that the family must have this wealth even if its adult members do not work. It only means that no family should suffer from want because its adult members are unable to work on account of ill-health, or because their employment does not secure them sufficient to satisfy their needs.

(2) *Suitable House.* A family must be provided with house suitable for its healthy development and comfortable life. In the absence of proper house, the family, cannot enjoy good physical, mental or spiritual health. The limbs of family members would remain stunted or sick, their habits would be bad and their character and temperament would be spoiled in the absence of a suitable residence.

Internal Conditions. A family for its success, again requires the presence of certain conditions within itself.

Education. In the first place, the parents must be well educated specially in the principles of child psychology, health, personal hygiene and social life. It is on such knowledge that the proper upbringing of the children, which is one of the main tasks of the family, depends. Again, it is through education, that sweetness of life can be secured between the husband and the wife and between the parents and the children.

Mutual Affection. In the second place, there must be mutual affection between the husband and the wife in the family life is to be successful. The yoking toge-

ther of unwilling partners in a family, has not only brought disastrous consequences on them but also on the children. A family must be an association and not a prison or a concentration camp. Mutual affection can be possibly only, when and if, marriage depends partly on the choice of those who are to be married, and partly on the ideal of service and sacrifice.

(3) *Toleration.* The husband and the wife should have toleration for the differences between them and mutual respect for each other as well as for the children. It is only when this spirit of accommodation and respect exists that the personality of each member can grow and become rich. If the children are treated with disrespect, they will not be able to develop any worthy character. If differences are not tolerated, home would become a battlefield rather than remain the temple of peace.

(4) *Co-operation.* The husband and the wife should fully co-operate among themselves and bear the family burden jointly. This can be best discharged when they divide the responsibilities among themselves and discharge them to the best of their capacities. A natural division of responsibilities would be for the wife to look after the children and the house-hold, and for the husband to work for securing sufficient income. We say so because, nature has made the growth of the child depend on the nursing of the mother. We do not mean, however, that the wife is to remain shut within the four walls of the house, or that she is not to share in the responsibilities of citizenship. On the contrary, we realise that a healthy life can be possible only, when and if, the women have the same opportunities in the wider life of society as men. We, however, do feel that so far as the responsibilities of family life are concerned the economic burden should mainly remain on the husband and the burden of nursing the children on the wife. Within this division, however, there will remain many occasions of give and take between the two.

(5) *Small Number of family Members.* Finally, the family must consist of only those members who are bound together by a close natural tie. This would be the case if the family consisted of the husband, wife and their children only. The adjustment between the members in such a case would be easy and sweet. There can be, under certain circumstances, other members as well, such as the father and the mother of the married couple. But any extension of the family from its natural size strains the loyalties of the various members and consequently leads to friction and disharmony.

Rights and duties of the family members. Before we conclude, we feel it necessary to give rights and duties of the members of the family. The children possess certain rights and owe certain duties. We give below some of the important rights and duties :—

(1) The first and the most important right of the child is to get a *proper upbringing*. This means that the child is to be properly fed and clothed. If these things are not provided to him, he will not grow up to be a good man or a good citizen.

(2) The second right of the child is to be *properly educated*. Education, as we have shown earlier, has an important bearing on the good life of the individual and the society. If the child is kept illiterate, he will not be able to play his proper part in life.

(3) The third right of the child is to get *just treatment* from his parents. The parents should not treat the child in a despotic and arbitrary way. They should realise that their main responsibility is to evoke the latent faculties of the child rather than to force him into their own image.

(4) Parents should *not* make an *unjust distinction* between sons and daughters. Both of them possess unique personalities. Both require opportunities for development. Both are essential for social life. There is, therefore, absolutely no reason for an invidious distinction between the two.

The children owe the *duty* of obedience, respect and service to their parents. They have to work in harmony with other members of the family and must obey its rules.

TEST-QUESTIONS

1. 'Family is the cradle of social virtues.' Discuss (U. P., 1942)
2. Family is the more important of all associations. Discuss. (U. P., 1946)
3. What is a family? What are the more important functions which it perform?
4. Family is the eternal school of social life. Explain and discuss, how social virtues are first developed in family life. (U. P., 1931)
5. Discuss the proposition that family is the greatest of educational institutions. (U. P., 1936)
6. What are the conditions necessary for the success of family life?
7. What is the basis of the organisation of family life? Discuss in brief its evolution and constitution.
8. What are the more important rights and duties of family members?

CHAPTER VII

STATE

§ 1. MEANINGS AND ELEMENTS OF STATE

State is the most important association in social life. It performs functions which determined directly or indirectly the happiness and progress of the community as a whole. It may be almost asserted that the state is on the earth, subject to God in heaven, the master of human destiny. Its decisions may involve for its members the sacrifice of life and liberty of property and happiness. Its service may make possible for them a vision of beauty which they may otherwise not get. It is, therefore, absolutely essential for us to have, as far as possible, a clear idea about the nature and importance of state:

Various Definitions of the Term State. We meet, however, at the very outset with an important difficulty. It is that, scholars are not agreed among themselves about the real significance of the term state. There are, remarks Garner, as many definitions of the term state as there are writers on political science. Hegel says that, it is the march of God on earth, while Karl Marx considers it as, the executive committee of the exploiting classes. Some consider it, a power system, while others believe it to be, a welfare system. 'State is power', said Trietschke, 'state is general will', say others. Our task will become simpler if we approach the problem of defining the state by considering the essential elements found in all those associations, which are called states in modern times. An analysis of these reveals that all these states possess four essential elements which are :—

- (1) Population. (2) Territory. (3) Government.
- (4) Sovereignty.

We shall consider the significance of these elements below, but for the present we have only to remark that the definition of the state must include all these elements within it. This test is fulfilled by Garner's definition, which is as follows :—

“The state is a community of persons, more or less numerous, permanently occupying a definite portion of territory, independent, or nearly so, of external control and possessing an organised government to which the great body of inhabitants render habitual obedience.

Leacock has also given a short and comprehensive definition of the term state. According to him ‘state is a people organised for land within a definite territory.’

Discussion of the elements of state. We have stated above the elements of state. All these must be present simultaneously, before we can term any group of men as a state.

(1) *Population.* These elements show that the state is firstly a human association, i. e., it is an association consisting of human beings. We cannot think of the state as something apart from, and above to its members. We cannot think of it as the divine idea on march. There can be no state if there are no human beings. It is immaterial as to what number of human beings is there in a state. It is only necessary that there must be men living in it. It is no doubt true that ten or twelve men cannot constitute a state, but this is because these ten or twelve men cannot on account of their small number possess the other attributes of the state: Any number of men, provided the number is not extremely small, can constitute a state. There is no higher limit to the strength of membership of state. Aristotle no doubt believed that the state should not include more than a lakh citizens, but this statement has no force whatever in modern times. On the contrary, we have states whose population runs into millions. From the point of view of the power of the state, a large population is extremely desirable.

There is one more thing to be noted in this connection. It is that the man constituting the state must possess a large measure of agreement among themselves about their common life, that is to say, they must constitute a real community if the state is to remain stable. Where this condition is not fulfilled a danger of civil war always remains within the state. We shall consider this point in more detail when we come to discuss the nature and importance of the principle of nationality.

(2) *Territory*. State is secondly a territorial association, i.e., it is an association that controls and regulates social life within a defined territorial area.

All persons born within that area are subject to its control from their birth. They have to obey its laws, fight for it in war, pay taxes to it and obey its commands whether they like it or not. In certain cases, its jurisdiction extends beyond its frontiers, but such cases are strictly limited and few.

Here again, we cannot lay down any maximum or minimum area of land which must be possessed before a community can become a state. This may be a few miles or it may cover a major part or even the whole earth. The states of Manaco, Luxemburg, etc., possess an area of a few square miles while U. S. S. R. and United States of America cover vast territories. Territory has a very important influence on the power, character and organisation of the state. We cannot discuss all these things here but we can say that the richer the area in minerals, in agricultural, and industrial resources, the more powerful will be the state.

(3) *Government*. Thirdly, the state is organized in a government. No population can become a state which does not possess an agency for the formulation, enforcement and interpretation of its will. Such an unorganised population would not be able to act as a united whole. It will be more or less a mob and not a state. If it is to be the state, it must have such an agency which is termed as the government.

It is not necessary for a population to possess any peculiar kind of government to be a state. All that is necessary is to have some form of government within the community for maintaining law and order.

(4) *Sovereignty*. Finally, the state is a sovereign association. It is independent of external control and its will is supreme over the will of all individuals and groups of individuals within its territories. In other words, no outside state can compel it to perform any particular act and within the state every single individual and group of individuals are under duty to render it complete obedience in all matters in which it issues its commands to them. None of them can plead the superior claims of the word of God, the prescriptions of morality, religious principles, or the command of economic and other associations. Again, it possesses superior power, that is to say, it can employ unlimited force for the securing of such obedience. It can inflict death, forfeit property or inflict banishment. The power of the state finds expression in its army and police force which, it alone can keep as against all other human groupings within its borders. The supremacy of power and will is essential for its existence and distinguishes it from all other associations. —

§ 2. STATE DISTINGUISHED FROM OTHER TERMS

Difference between state and society. The term society and state are generally used as synonyms. But they are quite different.

(1) Society means the people living in social relationship with each other. State, on the other hand, is the agency of the society for maintaining law and order within a definite territory.

(2) Society has no territorial reference. It only means, and relation between man and man for mutual benefit and may, therefore, extend to the whole world or may be confined to the home. The state on the other hand cannot exist without a definite and fixed territory. It has its own boundaries and no other state is allowed to make any encroachments upon them.

(3) In a state there is a political organisation, namely, the Government, while in society, no definite organisation is needed, *e.g.*, when we speak of the hunters society or the Red Indian society, we do not refer to any organisation of these societies.

(4) The state can enforce obedience to its commands by force, the society can do so only by persuasion. Society has no police or military at its command and hence it has to depend only on the good will of its members for obedience to its laws.—

(5) State exists within the society. It is a form of association while society is an association of associations.

Sometimes the word society is used in a narrower sense to mean an association of persons organised together for the promotion of a common end, *e.g.*, the food relief society, or the mathematical society, etc.

In that case, the difference between state and association is as follows:—

(1) The membership of state is compulsory. Every citizen is bound to be a member of some state. The membership of an association is optional. A man may refuse to be a member of any association whatsoever without any fear of punishment.

(2) The extent of a state is confined to a particular area. It has its fixed boundaries, while the area of an association may extend throughout the world. Many associations now-a-days are international in character, *e.g.*, the communist international.

(3) A man can become a member of as many voluntary associations as he pleases but he cannot belong to more than one state at a time.

(4) The purpose of a voluntary association is of a restricted nature. It is formed to further one interest common to its members only, *e.g.*, education or recreation or charity, etc. The state is concerned with the general welfare of all the members residing within its territories.

(5) The state is permanent while associations may have a temporary existence. The latter cease to exist when the purpose for which they came into existence is realised. For example, if a flood relief society is formed, its existence will end as soon as the work of flood relief has been completed.

(6) The state imposes compulsory taxes on citizens; the associations realise only voluntary contributions.

(7) Associations exert power by persuasion, the state by compulsion. If an individual does not obey the laws of the state, he is punished by a law court and can be sent to the jail. If he does not obey the laws of the association, he is only censored by public opinion and cannot be punished to undergo imprisonment.

(8) The state is sovereign : its power is unlimited. The power of an association is limited by the laws of the state.

Distinction between state and government. Government is the machinery of the state or the agency through which its orders are carried out. All those people who are occupied in expressing or administering the will of the state constitute the Government. In other words, the sum total of all the legislative, executive, and judicial bodies, in the central, provincial and local organs is Government. The distinction between the state and the Government may be described as follows :—

(1) All citizens constitute the state but the Government is composed only of a few persons, namely, those who are engaged in administering the territories of state.

(2) The state is permanent, while Government is temporary. The Government may change from day to day or from year to year. a Congress Government may be replaced by a Muslim League, a Muslim League Government by a Hindu Sabha and so on, but state never changes. The state can change only when it loses its independence and becomes the territory of some other powerful state.

(3) The state is an abstract term, an idea which exists in mind only, while Government is distinctly concrete.

(4) All states are exactly similar in nature but the Government may be of a variety of types. *e.g.*, dictatorial or democratic, unitary, federal, parliamentary, non-parliamentary, etc.

(5) The state possesses sovereign powers; the Government can exercise only such authority as has been delegated to it by the state which is limited. Individuals may have rights against the Government but none against the state. —

Is India a state? We have seen that the essential elements of a state are (1) population, (2) territory, (3) Government, and (4) sovereignty. India possesses the first three characteristics but not the fourth, namely, external independence and internal supremacy. As such she cannot be said to be a state.

For the same reason we would say that, Patiala or Hyderabad or China or Korea or Malay States, etc. are not states.

Are dominions states? The dominions of Canada, Australia, New Zealand, South Africa, Newfoundland and Irish Free States have all been recognised as enjoying Dominion Status by the Statute of Westminster passed in 1931. The statute runs as follows:—

The dominions are all autonomous, self-governing communities within the British Empire equal in status, in no way subordinate to one another, in any aspect of their internal and external affairs though united together by a common allegiance to British Crown and freely associated as members of the British Commonwealth of Nations. Further the statute lays down that the British Parliament will have no right to revise or veto the legislation passed by the Dominion Parliaments. It means that the Dominions have also a right to secede from the empire if they so choose. Ireland has actually severed all relations with the British

Empire. The statute also provides that no legislation effecting a Dominion can be passed by the British Parliament except with the request and consent of the Dominion concerned. The British Parliament has no right to change the constitution of any dominion or to pass any other laws for its territories. The statute finally declares that no alteration will be made in the laws affecting the succession to the throne without the consent of the dominion parliaments. The premiers of the dominions were consulted before the question of King Edward's abdication from the throne was decided. The above provisions clearly indicate that the dominions are absolutely independent. Some writers, therefore, suggest that they may be counted as states but Professor Keith and some other writers say that the dominions are not completely free in external matters. They cannot declare war against the mother country. Hence they cannot be regarded as states.

Difference between state and nation. The term nation is used as synonymous with state. This is illustrated by the fact what is actually a league of states is called the League of Nations. The two terms should, however, be kept distinct.

Nation is a matter of sentiment, state a condition in law; nation is a spiritual unity, state an objective organisation. We may say that, broadly speaking, state is distinguished from the nation by the following elements:—

(1) State is always organised in a government, a nation may or may not be organised.

(2) State is sovereign. It can compel obedience and punish the rebels. The nation possesses the power only of a spiritual appeal. It is a feeling which binds only those who feel it.

(3) State may contain more than one nation, e.g., Yugoslavia, Bulgaria, etc., and a nation may be distributed in a number of states as the Poles are today.

Sometimes the term nation is used to mean nation-

ality plus state. But the better opinion seems to be to use nation and nationality as convertible terms.

Difference between state and country. A country is a geographical expression. It has nothing to do with the political organisation of a state. Within a country, there may exist several states as was the case with India during Moghul or early Hindu period. Again, a state may be spread over many countries. Generally a state tends to be organised within the natural frontiers of a country and hence for this reason the two terms are considered synonyms by the ordinary man.

§ 3. NECESSITY OF STATE

The state acts through force and compulsion. It often compels its citizens to do something which they do not like. Often its interference causes some of its citizens the loss of property or life. It inflicts punishment extending upto death penalty on those who do not obey its commands. In short, it forces a certain way of life on citizens. But no human being likes to be forced to do anything and none likes being punished. Further, compulsion has many evil effects on those on whom it is exercised as well as on those who exercise it. The person who is compelled to do a certain thing loses his sense of self-respect, resourcefulness and initiative. Such a person always remains in the grip of fear. He cannot develop the habit of independent thinking and action. These are, however, extremely desirable for the progress of civilisation and the organisation of happiness. Compulsion also develops among those who exercise it. Those characteristics which are extremely undesirable from the social and individual point of view. They become intolerant, narrow-minded, selfish and dictatorial. They begin to trample the good of others. It is thus obvious that the necessity of the use of compulsion and force, and of the organisation which exists to use them, must be completely demonstrated before they can be permitted to exist.

Anarchist View. We find that an important school of thinkers usually called as anarchist believe that state is not only unnecessary, but it is extremely dangerous. They not only believe that man can live the best possible life without state, but they go further and assert that state makes it impossible for man to live a good life. They believe that the highest life is one in which love, sympathy, service and voluntary co-operation are governing principles. All those qualities are present in man. If he is left free to act according to his nature, these principles would prevail in life and 'the Kingdom of God' would have been realised. Further, the 'Kingdom of God, is sustained by the law of love and suppressed by the law of force.' The state is, as Trietscke remarked 'the embodiment of force', and as such it is the enemy of good life.

Criticism of Anarchist View. The view of the anarchist, however, does not appeal to us. It rests on two assumptions, each of which is not verified by the facts of human life. (1) In the first place it assumes that each man is so altruistic in character that he cannot but think and do what is for the good of others. In other words, the anarchist believe that man is God-like in nature—knowing and willing good of each and all. We find that this is one side view of human nature. It is no doubt true that man has God-like qualities, but at the same time it is also true that he has some brute-like qualities. He is a mixture of good and evil or the divine and the brute. It is thus obvious that the conclusions of anarchists are vitiated by this false assumption. (2) The second assumption of the anarchists is that there is a natural harmony in human life, that is to say, there is no unavoidable conflict between the desires of man. It is because they accept this natural harmony, that the anarchists can assert that there will be no conflict if men are left to act according to their nature. This, however, is not the case to be met with in actual life. The desires of men are diverse and conflicting. One desires one thing, while another hates it. It becomes, therefore, neces-

sary that these desires be co-ordinated in such a way that the maximum satisfaction may result to each and all. Harmony must be consciously organised in social life. This again shows that anarchism does not give a correct view about the state.

State is the first Condition of civilised life. It may be said without any exaggeration that state is extremely essential for the civilised life of man. We say for the following reasons :—

(1) *State Protects Rights and Duties*—Civilised life can only be possible under a system of right and duties, maintained both in the national and international sphere. In the absence of such a system, the law of the jungle, or the tiger rule will prevail. The hand of each shall be against the head of the other. There would be no peace, no order, no justice and no security. The life of man would be used up in preserving itself and there would be no chance for man to conquer the mysteries of nature or create things of beauty and joy. But a system of rights and duties is not self-maintaining. Human nature being, what it is, it is but inevitable that there would be some men who would violate the system of rights and duties out of their ignorance or their selfishness. If the individuals are left to guard their rights with their solitary strength, the weak would not be able to do so against the strong. We, therefore, require a power which is above all individuals and groups of individuals and which can maintain impartially the rights and duties of each and all citizens. This power we term as the state. We thus find that state is essential for the maintenance of the system of rights and duties and consequently for the maintenance of the civilisation of a community.

(2) *State Protects the Country Against External Invasion.* The continued existence of the civilised life of a community depends on its security from foreign control. Often, in historic times it has happened that the civilised people have been reduced to the verge of barbarism by losing their freedom. The history of Rome

and of India bear eloquent testimony to this assertion. An unorganised community cannot, however, be able to protect itself against this danger. It can succeed in keeping its independence and repelling any foreign attack only, when and if, it is well organised and well disciplined. This organisation is provided to the community by the state. State is, therefore, necessary for the maintenance of national independence and protection from foreign invasion.

(3) *State Maintains internal Peace and Order and Administers Justice.* Civilisation requires peace and order for its growth ; anarchy and lawlessness are incompatible with it. This condition of law and order in society is provided by the state. Again, the state is needed to decide various disputes that arise among the various members of a community. In the absence of the state, bloodshed, confusion and disorder would prevail in the community.

(4) *It protects the weak against the strong,* the labourers against the capitalists, the peasants against the landlords, the servants against their masters and thus provides opportunities for the development of their personality.

(5) *It Promotes Cultural Development of the Nation.* The state advances education by establishing schools, colleges, universities, research institutions etc. It also maintains libraries, museums, observatories, etc., for the benefit of scholars.

(6) *It Helps in the Economic Development of the Country.* The state helps agricultural, industrial and commercial development of a country by constructing roads, railways, telephones, telegraphs, canals, imposing protective duties, establishing industrial research centres, concluding trade pacts, etc., with other countries. It also manages and controls the banks and other credit institutions which are so necessary for the economic progress of a country.

It Provides Facilities for Recreation. The state provides public parks, picture galleries, zoos, cinemas,

theatres etc., which are considered so necessary for pleasure and for a civilised life.

Conclusion. We may, therefore, conclude by saying that state is essential for the good life of man. It is his best friend, the guardian of his rights and duties, the protector of his individual and national freedom and the promoter of his collective efforts.

§ 4. NATURE OF POLITICAL OBLIGATION 130

The necessity and importance of the state given above gives us a clue to the nature of political obligation. But before we proceed to state our view in the matter, it is necessary to discuss certain partial and consequently misleading views about the basis of political obligation.

Force theory. One school of thinkers believes that a subject obeys the state out of fear. The state has the power of inflicting punishment on those who do not obey its command. This punishment can extend to any limit—even to the taking of life. Hence every individual who is subject to the authority of the state fears the consequences that would fall on him, if he disobeyed the laws of state. In other words, he obeys the state because the consequence of disobedience is more unpleasant, than that of obedience.

This school recognises only the *power* but not the *right* of the state to secure obedience to its commands. The view springs from an underlying assumption about the nature of state. It is assumed by such people that the state is the organisation of one class to dominate over another, and that it does nothing valuable for those who have to obey its commands. Naturally, these people conclude that the state cannot rest its claim on the basis of its service, it can only rest them on the sharpness of the sword at its disposal.

Justification of the Theory. This view has some historical evidence to support its conclusions. It is termed that there have been, and there are even today, certain states whose command had, and has no other

sanction except that of force. Such was, for example, the Moghul Empire in India and such is the Union of South Africa today, so far as the Negroes are concerned.

Again, the view finds some justification from the fact that ultimately every state resorts to force to compel obedience, whatever the merits of its commands may be.

Criticism. (1) *The Theory Contains Only Partial Truth.* This view, it seems to us, contains only partial truth and is, therefore, misleading. It is true that state uses force to enforce obedience. But in most cases the use of force is only exceptional. It is resorted to only when some abnormal event occurs. Ordinarily, the state secures obedience by virtue of its services. People obey it because they feel, consciously, that in obeying it they are realising their highest welfare. When I obey the rule of the road, I do so, not because I fear that the disobedience of the rule would result in a prosecution, but because in obeying it alone, I can freely move on the road. Again, when I do not commit murder it is not because I fear the penalty of law after this act, but because I feel that my good consists in co-operation with and not destruction of others.

(2) *Mere Force Cannot Sustain The State.* Apart from this, the view ignores that force by itself can never sustain the state. Force can only work for a time. But as soon as the subjects feel that they have a greater force than the state, they will overthrow it. A state resting purely on force is but a fragile plant, liable to be uprooted by the mildest breeze of discontent. There is one further point to be taken into consideration in this connection. The force that the state wields is not purely physical or mechanical. It is social in character, that is to say, the state can exercise compulsion because an appreciable number of its citizens co-operate, among themselves for doing so. The government consists and has always consisted of many

individuals working together. We cannot explain fully the nature of political obligation unless we also explain the reason, why those who constitute the government co-operate among themselves and obey the laws. The theory of force fails to explain the reason of this co-operation among the rulers. It can be adequately explained only on the basis of a common consciousness of a common end or of general will. In other words, they co-operate politically because they feel that in this way only they can achieve their welfare.

Contract school. Another view of political obligation that we need consider is of the contract school. This school believes that we obey the state because we or our ancestors expressly or impliedly entered into a contract to obey the state. This view, however, rests on the false assumption that the state is a product of contract and we are its members by our free choice. This theory is absurd and we will discuss it in detail in a later chapter.

Divine Theory. Those persons who believe in the divine origin theory of the state hold that people obey the state because the King is the direct representative of God on earth. This theory stands rejected today; it does not furnish any true basis of political obligation.

Habit, utility, custom, etc., as basis of Political obedience. Some other political philosophers justify the obedience to the laws of state on the basis of habit, or custom, or indifference, or perception of utility, etc. All these views are again false and do not furnish us with any correct basis for political obligation.

True nature of political obligation. Idealistic Theory. In our view the true basis of political obligation, as pointed out by the idealistic philosophers, lies in the nature of human personality. Man cannot realise all his capacities except when he is living in a politically organised society. We have shown above that the state is the custodian of civilisation and the protector

of morality. It is in the state that we can attain our full stature. In obeying it, we obey only those conditions which make for our good. The state has a moral claim to obedience on us—the claim based on its moral nature and moral service. It is not alien to us. It is not our enemy. It is our greatest friend. We are bound to it by the chains of gratitude. The state represents our general will. It is the expression of the highest self in man. We are the state and the state is in us. In obeying the state we obey none else, but our own selves. We can, therefore, conclude by saying that the true basis of political obligation is neither force, nor contract, nor habit, nor custom, nor indifference, nor perception of utility, but morality.

All people are not equally conscious of idealistic basis. We want, however, to caution the reader against a possible misconception. All people living in a state are not fully conscious of the view discussed above, when they obey the laws of the state. There are many people who obey the state because they fear punishment, there are others who obey it because of habit, of indifference, or indolence, or custom, or to gain utility. The above view only points out the ethical reason behind political obligation.

It is No Duty to Obey an Unjust State. In the same way it must not be understood that when we obey a certain state, we do so because it exists for our welfare. To maintain such a view would be preposterous, specially for those people who are politically enslaved. Whenever a Negro obeys the South African Government, he does so because he knows that disobedience may mean death. The view only lays down that we owe duty of obedience to the state only because it is essential for our good. But then, this is true only for the ideal state. To the imperfect state of today, our duty of obedience extends only to that extent to which it makes possible our welfare. Beyond this, we owe no duty to the state.

Limit of political obedience. We owe a duty

the state if we find that it has forsaken its ideal and has disobedience to become a monster of oppression.

The Wrong View. There are of course some thinkers who believe that under no circumstances can a citizen disobey the state. They argue that even the worst state is better than no state or an anarchy. In a condition of anarchy, not only no individual has any liberty of action, but none has any security of life. He has to move constantly under the threat of violent and sudden death. Even the worst state, however, secures the right of life to the bulk of its citizens, though it may not be serving them in other ways. This security of life is a definite improvement on the condition of anarchy. Any revolt against the state would mean reversion to anarchy and consequently, losing of the gain available from the state for some fancied rights. Rebellion would not improve the position; it would worsen it. The citizens must, therefore, in all circumstances, however, revolting they may be, remain obedient to the state.

The Correct View. However, we do not share this view. We feel that the advocates of this view do not distinguish between the state and government. Rebellion is always against a government, not against the state. In rebelling against the government we do not endanger the whole social life. We only challenge one part of the social life which has become crushing to human personality. There is, therefore, no danger of our losing the little we have, for the sake of something fancied to be greater. On the contrary, we would not be men if we submitted to the degradation of our spirit. We owe a duty to ourselves as well as our neighbours, to overthrow a system, if it has become an obstacle in our higher development.

How to disobey the state. This does not mean, however, that every individual has the right to rebel, whenever he feels that his rights are not being maintained within the state. This duty or right arises only, when and if, two conditions exist.

Firstly, the right which is made the ground for disobedience must be the one which is recognised by the reason of the whole or a major part of the community. Unless this is so, the danger will exist that what is claimed as a right by an individual is nothing but an irrational whim of the claimant.

Secondly, disobedience can be resorted to only, when and if, there are no legal or constitutional means for changing the government which denies the disputed right. If such means exist, the citizen must make attempts to convert the majority to his views and thereby instil a government which favours such rights. Disobedience of the laws of the state, or rebellion against its authority, must be the last remedy of a desperate evil.

TEST QUESTIONS

1. Explain the meaning of the term state. What are its essential attributes?

2. Distinguish between Society, State and Government. (U.P., 1933, 1936, 1940)

3. Distinguish between society and state and briefly discuss their mutual relations. (U. P., 1930)

4. What is the difference between the relations of a citizen with his religious community and with his state?

5. State is the first condition of civilised life. Explain. (U. P., 1932)

6. Is social life possible without Government? What is the necessity for the existence of Government? (U. P., 1931)

7. What are the types of social organizations? How does the state differ from them? (U. P., 1935)

8. What are the essential elements of a sovereign state? Do you consider the following to be sovereign states? Give reasons for your answer: Jews, India, Kashmir, New Zealand, Municipal Board, League, Spain. (U.P., 1938)

9. Why do men obey the state? Are there any circumstances in which people have a right to disobey the state? (U. P., 1933)

CHAPTER VIII

ORIGIN OF THE STATE

There are a number of theories of the origin of the state. All of them contain elements of truth, but none of them except one is wholly true. We shall, therefore, consider first those theories which are only partially true and then take up the theory that, in our opinion, contains the largest element of truth.

The theories that contain only partial truth are the following :—

(1) Theory of Divine origin of the state. (2) Force theory. (3) Social contract theory. (4) Patriarchal theory. (5) Matriarchal Theory.

(1) Divine origin theory. (1) The theory that attributes the origin of the state to the Divine will is the most ancient one. According to it, state originated in the will of God. God created some people to rule and others to obey. He laid down the principles of obedience. Any disobedience of the state law was not only a crime but also a sin. It was also a violation of the divine command. The citizen of the state had no option but to obey the state. This theory took the form of the Divine right of kings in the hands of somewriters. They asserted that the king derived his authority from God and, therefore, he was responsible to him alone for his act of authority. The subjects could not demand from the king the justification of his acts. Further, the king was the representative of God on earth, and as such he was gifted with greater reason than his subjects. The king alone, therefore, was to decide what was for the good of his subjects and what not. He was to rule over them just as the father rules over his children. The person of the king was sacred. The subjects would, therefore, be guilty of sacrilege if they did violence to his person.

This theory of divine right of kings thus cleverly utilised the theory of divine origin in the interests of absolute and despotic monarchy.

Criticism. The divine origin theory of the state, however, rests on false assumptions and is, therefore, misleading. Apart from the fact that some people do not believe in the existence of God and consequently reject the theory, we find it attacked by others as well on the following grounds :—

(1) It ignores the vital part that man plays in the formation and evolution of political institutions. History shows that man has made and unmade governments. We find today that man consciously makes the laws and determines the institutions under which he has to live. It is wrong to think that the state is purely a product of the Divine will.

(2) It leads to conservatism. It sanctifies the existing things by giving them the sanction of Divine will. They are good for all time because they are the product of the supreme intelligence. Any attempt to change them means considering the wisdom of God defective. It is an offence against the all-knowing. The theory thus goes against the dynamic nature of human personality.

(3) It opens the way for absolutism and tyranny. The claim of the kings to rule despotically was supported mainly on this basis. The theory is thus dangerous to human welfare.

(4) It explains only the institution of kingship. It does not and cannot explain democracy. It is thus based only on a partial study of the political institutions.

Justification of the Theory. This does not mean, however, that the theory does not contain any element of truth or that it did not prove useful in human history.

It rightly points out that the instinct of command

in some people and obedience in others is natural. It is, in other words, given by God. Again, it emphasises the moral nature of the state. It rightly asserts that state arises because of a moral and rational consciousness which rule human life. It proved very useful in the childhood of the race. It disciplined men to habits of obedience and co-operation by giving the authority of the ruler the sanction of Divine will. It is, however, suited only to primitive societies where political consciousness is very low. It fails in civilised communities.

(2) Force theory. This theory traces the origin of the state to the conquest of the weak by the strong. A group of strong persons forcibly imposed their will on their weaker brethren and made them work under their control. A tribe conquered other weaker tribes and began to rule over them. Gradually, the ruled grew into habitual obedience. When this happened, the state emerged. The state thus arose out of violence and is even today maintained by violence. The force theory has found many able advocates, specially in recent times.

Criticism. The theory, however, contains only a partial truth and consequently it is misleading. It ignores the vital fact of co-operation on which the authority of the state rests. The force that the state possesses is social, i. e., it is the product of the co-operation of many individuals among themselves. It is thus obvious that authority is the product of co-operation as well as of force. Further, force by itself, cannot sustain the state for any length of time. It evokes resistance from those over whom it is exercised. If the state merely rested on force, there will be permanently a partial or actual condition of civil war within it. We do not, however, find this to be the case in most states. The truth is that the force of the state, is itself sustained by the good the state does to the community as a whole. The state is thus not a product of force only.

Justification. It is true that force did play an im-

portant part in the origin of the state. But there were other factors also which brought about the origin of the state. The theory, therefore, stands rejected.

(3) **Social contract theory.** The social contract theory has played a very important part in the history of mankind. It is very ancient, though it began to exercise a magic spell on human minds only in the seventeenth and eighteenth centuries. A vast literature has grown up round this theory. We will give here only a brief summary of the theory.

Statement of the theory. The theory assumes man to be unsocial or unpolitical by nature. It, therefore, conceives of a condition of mankind wherein man lived either in isolation or at least without any political organisation. This condition of mankind is known as the state of nature. In this state of nature man obeyed only his natural inclinations. In other words, he was subject to the Law of Nature. There was no man-made law and no authority to enforce such a law. Each individual was the sovereign of his own will. He could do whatever he liked and take whatever he could. No individual either obeyed or was under a duty to obey any other.

This state of nature is conceived good by some thinkers and evil by others. But all agree that after a certain time this state of nature was found to be inconvenient or intolerable by man. He, therefore, decided to abandon it. Men entered into a contract among themselves to leave this state of nature and to organise the state. The different writers of this school differ about the conditions of this contract. According to some, men surrendered their powers and possessions completely, while others believe that there was only a partial surrender. Whatever the detailed terms of contract were, its broad object was the organisation of the state. Consequently, the state came into existence for the purpose of regulating human life and removing from it the defects of its natural condition.

In other words, this theory considers the states a

product of human agreement and not of human nature. Man lives in the state because he has agreed and not because his nature compels him to do so. This theory seeks to explain not only the origin of the state but also the relation which exists between the ruler and the ruled.

Before we evaluate this theory we consider it necessary to give the views of three famous writers on it. These three are Hobbes, Locke and Rousseau.

Hobbes. Hobbes was an Englishman and had seen the horrors of the civil war culminating in the association of king James I. His views were coloured by his reactions to this civil war.

Hobbes starts by assuming that man by nature is a selfish and vain glorious creature. He seeks his preservation and aggrandisement. Both these can be possible only when man possesses power and more power. In the state of nature each man tries to gain it. Naturally, there is competition between them for the acquisition of power. There exists, therefore, a state of actual or potential war among all the individuals living in the state of nature. In other words, the state of nature is a state of war. It is "a war of every man against every man." This state of war possessed its natural consequences. There was, in the state of Nature, "no industry, no culture, no navigation, no building, no arts, no letters, no society." The life of man is full of "fear and danger of violent death." It is "solitary, poor, nasty, brutish and short." No idea of right and wrong exist in it.

Naturally, this state of nature is so unpleasant that anything is preferable to it. The reason of man and the instinct of fear impel him to leave it and organise co-operation. Men, therefore, enter into a contract among themselves. Each surrenders all his powers and possessions to a stated person or body of persons on the condition that every one of his fellow beings made a similar surrender to that person or body of persons. This surrender is complete and absolute. One made

it cannot be unmade. The person or body of persons to whom this surrender is made, is not a party to the contract. He thus remains possessed of all the power surrendered to him but subject to no obligation. He is the absolute master of his will as well as of all those who are subject to him. He becomes the sovereign; all the persons who entered into a contract undertake to obey him. The people have no right to disobey the king because he is not a party to the contract and has been chosen by the unanimous vote of the people. To disobey the king would mean to go back upon the contract and to fall back to the state of nature which was nasty, brutish and short. The authority of Hobbes' king is, therefore, absolute and unlimited. Hobbes justified absolute monarchy in England on the basis of this theory.

Rousseau gives just an opposite picture of the state of nature as compared to Hobbes. According to him the state of nature was an ideal state. Man was most happy, free, careless and worriless in this state of nature. The life was peaceful and happy. But somehow man acquired selfishness and then with the growth of population and the progress of civilisation, the life in the state of nature became unhappy, violent and savage. To escape from this nasty state of nature—thus made by the selfishness of man people entered into a contract among themselves to constitute a civil society. But, *Rousseau* holds, they did not elect any king but a few executive officers to enforce those laws within the state which were to be passed by the whole body of persons collected together. There was no loss of freedom since the people did not surrender their rights to any particular individual but to the whole community, of which each individual was a part. They obeyed their own general will or disinterested opinion of the entire community. Law was made by the assembly of the whole people. And since everybody participated in the making of law, obedience to it did not mean loss of freedom since it implied obedience to one's ownself. *Rousseau* with the help of theory justified

popular sovereignty and revolution against despotic monarchy. The influence of his writings was clearly noticeable in the French Revolution of 1789.

Locke's idea about the state of nature is somewhere midway between the conception of these two philosophers. According to him, the state of nature was neither nasty, brutish and short (HOBBS), nor an ideal, virtuous and sinless state (ROUSSEAU). It was, on the other hand, a peaceful state, based on good-will, mutual assistance and preservation. Each man respected the rights of others. 'Do unto others as you want others to do unto you', was the law of the state of nature. But in this state of nature, there was no authority to interpret the law and punish the persons who violated the rights of others. This fact led to chaos and confusion and consequently to insecurity of life, liberty and property. The people to escape from this evil state of affairs, gathered together at a central spot and thus formed a civil society. Further, they elected a king from among themselves to preserve law and order in the society, according to certain set of rules and laws. Locke's king was thus a party to the contract. He was not an absolute monarch but was bound down by certain rules. His duties was to execute laws in the state and thus to preserve law and order. If he failed to satisfactorily discharge his duties, people had every right to displace him and to elect a new king in his place, Locke therefore, justified limited monarchy on the basis of this theory.

(1) *Criticism. The Theory is Unhistorical.* History does not offer a single instance when people have thus formed a state by contract.

(2) *It is Illogical.* It presupposes a very high degree of political consciousness among isolated human beings to enter into a civil society. Even supposing that such a contract was ever made, how could these savages have any respect for that contract.

(3) *It is Irrational.* The state does not rest upon contract because it would mean that the membership

of state is optional. The very idea is absurd.

(4) *It is not Legal.* The contract made at a time, when there was no political organisation to enforce it, cannot have any force.

(5) It is dangerous because it encourages revolution.

Justification. This theory, however, proved highly useful at the time when it was evolved. It succeeded in demolishing the divine right theory of the kings and made the people the creators of the state. Theory became an important factor in the development of modern democracies.

(4) **Patriarchal theory of the state.** This theory holds that the state is an enlargement of family. Several families combined together to form a gens, several gens to form a tribe and several tribes to form a state. The head of the family was known as the patriarch and he had absolute control over all its members. The head of a gens and a tribe was either the oldest male member of a leading family or a council of elders. In the obedience rendered to the father in the family lay the germs of the submission tendered by the subjects to their ruler. This theory was evolved by Sir Henry Maine.

Criticism. It, however, ignores the fact that patriarchal family did not every where represent the earliest form of family life.

(5) **Matriarchal theory.** The chief exponents to this theory are McLennan, Morgan and others. They hold that the head of the family was the mother and not the father as the patriarchal theorists believe. In the primitive savage stage, the usual relationship between husband and wife was not known. Promiscuous sex relations were the rules. The children and all other property of the family belonged to the mother and she was the ruler of the social group. Some traces of this form of family are still prevalent in some parts of the world and amongst the Bhupus, Tibetans and Travancorians in India.

In the primitive times the society was divided not in tribes but in totem groups. The totem group was a body of persons distinguished by the sign of some natural object such as an animal or a tree. Within this group the people could not inter-marry. The people belonging to one totem had to marry all the females belonging to another. In this form of society property passed in the female line and the succession was traced through females.

Criticism. This theory does not offer any final solution of the origin of the state. Indo-European society is essentially patriarchal. It is wrong to say that in the beginning all social groups were matriarchal. "Here the matriarchal relationship and there a patriarchal regime," says Prof. Leacock, "is found to have been the rule."

Both the patriarchal and matriarchal theories make the mistake of attributing the origin of the state to only one factor namely kinship. The state is in fact a product of several factors.

The historical or evolutionary theory. It is the most important and satisfactory as compared to all the other theories discussed above. The theory holds that the state came into existence gradually and not at any given point of time. The state represents gradual and continuous development of human history, out of a grossly imperfect beginning through crude but improving form of manifestation, towards a perfect and uniform organisation of mankind. (*Bures*). The state is neither the handiwork of God, nor the result of force, nor the creation of contract, nor a mere expansion of the family. It is the product of history.

The evolutionary theory contains the best elements in all the several theories discussed above. The divine element appears in the fact that the Creator has implanted in the human breast the impulse which leads to association and in the part played by religion in bringing primitive man out of barbarism and accustoming him to law and authority. The element of com-

pulsion exercised by those who possess natural superiority has brought about man into political and social relationship with his fellows. Force is absolutely necessary for the existence of the state both to preserve it against external invasion and internal disorder. Finally, the element of contract lies at the basis of the formation of all Governments. It is on the acquiescence of the subjects that the authority of a government depends. None of these elements alone accounts for the existence of the state, but all working together—some more prominently than others and all aided by the force of history and the natural tendencies of mankind—enter into the process by which uncivilized peoples are brought out of anarchy and subjected to the authority of the state.

Factors in State Building. To sum up, we cannot ascribe the evolution of the state to any single factor. Several factors combined together have been responsible for the development of the state in its present form.

(1) *Kinship.* This factor provided the earliest bond of unity between human beings and was responsible for the creation of the oldest social organisation namely the family. The extension of family life through the formation of gens, clans and tribes was responsible for the creation of that sense of cohesion and unity amongst the people which is so essential to political life.

(2) *Religion.* Religion came in to strengthen the bonds of unity which kinship created. Its influence was specially strong in the case of early communities. Primitive religion was based on ancestor worship and nature worship. People worshipped the forces of nature which they could not understand—like thunder, lightning, rain-storm, etc. The life and living of the primitive man depended on his protection for these ravages of nature and therefore he worshipped natural deities and invoked the spirit of the ancestors to save him from these calamities. All the members of the tribe worshipped the same deities and practised common rites. Religion thus played a vital part in the evolu-

tion of the state and the promotion of a sense of unity amongst warring tribes.

(3) *Need for Law and Order.* The growth of settled communal life in the agricultural stage created the need for law and of a government to enforce peace and order within the society. The need for defence and aggression further strengthened communal solidarity and placed power in the hands of military chiefs. As through wars fought between different military chiefs, the weaker and smaller groups came under the subjugation of the more powerful and bigger groups, the area of the territory under more powerful tribal heads increased. With this extension in the area of the states, the early tribal organisation was found too inadequate to meet the needs of the new situation and was therefore replaced by systems more purely political.

Economic needs. The growth of wealth in society necessitated the enactment of rules for the control and transfer of property and settlement of disputes. Customs and usages regulated economic transactions in the primitive communities but with the development of economic life, more definite and authoritarian rules were found necessary.

(5) *Political Consciousness.* During the process of the gradual growth of the state, religion and politics became separated and the state became secular. As the desire for taking part in the administration of the state spread in the minds of more and more people, the form of the state changed from monarchical to aristocratic and from aristocratic to democratic.

Thus we find that from imperfect beginnings the state has developed and is at the present moment developing towards the well-being of mankind. It has not yet attained its final and complete development and is still in the process of growth.

Organic theory. Some writers suggest that the organic theory of the state is also a theory about the origin of the state. This is a false view. The organic theory of the state is not a theory of the origin of

state but of its nature. It discusses the relationship which must subsist between an individual and state. We have discussed this theory in detail in our chapter of society. The students are advised to read that chapter to know this organic theory with the only proviso that they must read the word state for society, wherever that occurs.

TEST QUESTIONS

1. What are the various theories regarding the origin of state? Which in your opinion is the most correct theory and why? (U. P., 1935)
2. What are the most important theories of the origin of state. (U. P., 1940)
3. Discuss the origin and importance of government. (U. P., 1939)
(The origin of government is the same as the origin of state.)
4. Discuss the social contract theory as expounded by Hobbes, Locke and Rousseau. Why is it considered as an unsatisfactory theory regarding the origin of state?
5. Discuss the historical evolutionary theory about the origin of the state and point out the factors which have played a prominent part in state building.
6. Discuss briefly the more important theories regarding the origin of state. (U. P., 1937)
7. What factors have played an important part in the creation of state? Discuss briefly.
8. What truth do you find in the Patriarchal and Matriarchal theories of state.
9. State the social contract theory regarding the origin of state and add a short criticism. (U. P., 1942)

CHAPTER IX

SOVEREIGNTY

Nature of sovereignty. It has already been pointed out in the last chapter that sovereignty is one of the most essential attributes of the state. As a matter of fact it is this feature of the state which distinguishes it from all other associations. The power of associations is limited by the laws of the state, which in its own turn is all powerful and subject to no other authority. *Sovereignty means internal and external supremacy of the state*, internal supremacy in the sense that within the state there must be a person or a body of persons whose authority over every individual and association of individuals is absolute and unlimited, and external supremacy in the sense that this person or body of persons must be independent of any control or interference of other states. In every fully developed state there must be some person or persons who possess the ultimate power of declaring the will of the community in the form of laws and of enforcing obedience to their commands. Whenever there is a conflict between the individuals or associations, the will of the sovereign authority must prevail. The sovereign authority is the sole law-making agency in the state: its laws are binding upon all alike, though it itself is above the laws it makes. Thus its power is unlimited and extends to all persons and associations within the territories of the state. In other words, it has the power to give unconditional orders to all living within its territory.

Various Definitions. Sovereignty has been variously defined by different writers. Thus Professor Burgess defines it as the "original, absolute and unlimited power over individual subjects and associations of subjects. It is the underived and independent power to command and compel obedience." Jellinek defines it as, "that

characteristic of the state in virtue of which it cannot be bound except by its own will, or limited by any power other than itself." John Austin defines it as, "If a determinate human superior not in the habit of obedience to a like superior receives habitual obedience from the bulk of a given society, that determinate superior is the sovereign in that society and the society, including the sovereign, is a society political and independent."

The analysis of all these definitions shows that (i) sovereignty must be both internal and external, (ii) the sovereign authority must be determinate human superior, i. e., the person or body of persons in whom the ultimate power of the state rests may be easily determined; it must not be vague or a divine power. (iii) The people subject to the authority of the state must obey its commands voluntarily and as a matter of habit, rather than by force or compulsion.

Attributes of sovereignty. Dr. Garner mentions the following common attributes of sovereignty :—

(1) *Permanence.* Sovereignty and state are indissolubly connected with each other. If sovereignty ceases the state also ceases to exist. Whenever state loses its independence and becomes part of the territory of another state, it is said to have lost its sovereignty and thus ceases to exist as a state.

(2) *All Comprehensiveness.* The sovereignty extends to all persons, associations and things within the territorial jurisdiction of the state. No person or body of persons can claim to live outside the jurisdiction of the authority of the state. All persons are bound to obey the laws of the state.

(3) *Absolutism.* The sovereignty of the state is absolute or legally unlimited. Within the state there is no power above it and outside the state there is no power superior to it. No human power within or without the territories of the state can question its authority over its own subjects. Marian says.

"There is no other political power capable of limiting the sovereign, else by hypothesis that limiting power must itself be sovereign."

(4) *Inalienability.* The state cannot part away with its sovereignty. The sovereignty is a constituent element of the state and hence if it is ceded away, the state will cease to exist. The sovereignty is the very life and blood of the state. Just as a man cannot transfer his life to another, in the same way state cannot alienate its sovereignty.

(5) *Indivisibility.* There cannot be two sovereign powers in the state. The citizens can obey only one master and not two. The existence of more than one sovereign power in the state means the existence of more states than one. The functions of the government can be divided, but not the sovereign power.

Criticism of the theory of sovereignty. The attributes of sovereignty and the definition given by John Austin have been severely criticised by several political philosophers, specially by the pluralists like Lasky, Deguit and Krabbe. They hold that within a state there cannot exist any such determinate human superior whose power is indivisible, absolute and all comprehensive. Lord Bryce holds that there never has existed in the world any person or even any body of persons enjoying uncontrolled power. Another German writer Bluntschli says, "The state as a whole is not almighty, for it is limited externally by the rights of other states and internally by its own nature and by the rights of its individual members." While in theory, therefore, the authority of the state may be absolute in actual practice, it is limited by the following forces :—

Public Opinion. No sovereign authority in the state can flout the opinion of public for any great length of time without losing its own existence.

(2) *Other associations in the State.* Besides the state, which is itself an association, there are several

other associations in the state like the church, the trade unions, the political parties, etc. These associations are supreme in their own sphere and state cannot deprive them of their powers.

(3) *International Opinion and Morality.* The actions of the sovereign are very greatly modified by the pressure of external opinion, the rights of other states, and the force of international law. No state now-a-days wants to lose the sympathies of the rest of the world by taking resort to any aggressive action. Even when such an action is taken, the state tries to win international public opinion to its side by constant propaganda.

(4) The sovereign is bound to respect the *moral and natural rights* of the people, the *customs and conventions* that have grown up in a particular community and the *laws of constitution* that the state sometimes imposes upon itself.

No sovereign authority, however ruthless, can deprive the people of their rights, or violate, their established customs and traditions, because it can rest only on their good-will and support.

All these restrictions on the power of the state are, however, only moral or based on practical considerations. Legally the state is supreme.

Location of Sovereignty. The theory of Austin is also criticised on the ground that the person or body of persons in whom the sovereign authority of the state rests cannot always be definitely determined. In U. S. A. there is no definite sovereign. The President is not the sovereign because his powers are greatly limited by the constitution. For the same reason the Congress is not the sovereign. In Britain, the Parliament is the sovereign, but who is to be the sovereign when it is dissolved. For India, the British Parliament may be said to be the sovereign; but the people of India do not obey its laws habitually, and according to

Austin this is an essential requisite of the sovereign authority. In all these cases as we have seen, it is not very easy to locate the sovereign authority.

Three answers have been given by the supporters of this theory: against the above criticism. (1) Some writers state that the sovereignty resides in the people of the state. But the term people is very vague and indefinite, and for legalistic purpose, this theory is useless. (2) Some writers suggest that the sovereign authority is located in the organisation which has a legal power to make and amend the constitution of the state. But it is pointed out against this theory that the first essential attributes of the sovereign being its continuity, and permanence, the constitution changing body which is only a temporary one cannot be said to be the sovereign. (3) Some other writers suggest that the sovereign power lies in the hands of the sum total of the law making bodies existing within a state. This theory appears to be more correct and reasonable and is now-a-days generally accepted by political writers.

The doctrine of sovereignty is also criticised on the ground that the state is only one of the many associations through which the development of human personality is secured and therefore has no special claims for pre-eminence. Some other writers criticise this theory on the ground that it preaches state absolutism and is therefore inimical to the rights and liberties of the people. Prof. Laski holds that "the view of the unlimited and irresponsible state is incompatible with the interests of humanity." It is said that the doctrine of sovereignty has led the different states to ignore international law and principles of morality and thus has thrown the world in a boiling cauldron of national rivalries. The revolution in the means of communication and transportation has today knit the whole world together and, therefore, the question of the independence and exclusiveness of the state should not arise. What is needed today is international co-operation and respect for moral values.

Different aspects of sovereignty. There are various senses in which the term sovereignty is used, and so, in order to avoid confusion, it is necessary that we understand clearly the various uses of the term.

(1) *Titular and Actual Sovereign.* The term sovereign is generally used as a matter of courtesy to designate a monarch or crowned head of the state who in olden times enjoyed absolute powers within his territory. Now-a-days, the king is merely a dignified figure-head of the state. He enjoys no real power. All his functions are performed by the ministry and legislature. The term sovereign is used for him merely as a name or a title. He is, therefore, known as a titular or nominal head of the state as opposed to an actual or a real sovereign of the state.

(2) *Legal Sovereign.* The legal sovereign is the final authority in the state whose commands are laws and which can enforce and issue these laws. The laws of this authority only are recognised by the courts. In England, for example, the Parliament is the legal sovereign.

(3) *Political Sovereign.* It is the power of the people which lies behind the legal sovereign. As stated by Dr. Garner, 'the political sovereign is that power in the state which although incapable of expressing its will in the form of legal commands, is a sufficient power to whose mandates the legal sovereign must obey and whose will ultimately prevails in the state'. The courts may not take cognisance of the will expressed by this political sovereign, but the legal sovereign is bound to bow before its will and to enact its commands into laws. The electorate in the modern states constitutes the political sovereign and it expresses its will through press and platform. The political sovereign makes and unmakes the legal sovereign and hence the latter is bound to respect the wishes of the former.

The political sovereign lies behind legal sovereign, when passive it expresses its will through press and platform and when active through franchise. The

legal sovereign represents nothing else but the collective will of the political sovereign. It is answerable and responsible to the latter body. Thus both represent the two aspects of the same thing.

(4) *Popular Sovereignty*. The phrase which was originally used by Rousseau, means the right of the masses of a particular country to take part in the administration of their state.

It implies that stage of universal manhood franchise where all people above a certain age will enjoy a right of vote and elect representatives to the legislature. Popular sovereignty means that the ultimate power of the state rests in the hands of the masses of a particular country.

(5) *De facto and De jure Sovereignty*. The de facto sovereign means the ruler of a state in fact, while the de jure sovereign means the ruler of the state in law. The de facto sovereignty is possessed according to Lord Bryce by "that person or body of persons who can make his or their will prevail in the state whether with the law or against the law." The de facto sovereign may be a tyrant, or an usurper of a throne, or a military dictator, or a priest, or a prophet and so on.

A de jure sovereign is a person or a body of persons, whose expressed will binds the members of a state as a matter of right. It is the legal sovereign. Its commands may not be actually obeyed by the people, but it must be capable of exercising its authority in law. The King of Abyssinia was the de jure sovereign of his state, till the Italian conquest over his country was recognised by other state. The de facto sovereign in the above case was the king of Italy.

The de facto and de jure sovereign cannot remain separate for long. Sooner or later the two tend to combine. When the de facto sovereign in a state gets a firm footing in the law and the people acquiesce in his authority, he assumes de jure powers also and thus the distinction between the two is removed.

TEST QUESTIONS

1. Explain the nature of sovereignty and point out its essential attributes.
2. Criticise Austin's theory of sovereignty and discuss its limitations.
3. What are the practical limitations on the absolute power of sovereignty?
4. State the theory of sovereignty. What are its essential attributes? (U. P., 1942)
5. Explain clearly the meaning of the following terms :—
 (1) Titular sovereignty. (2) Actual sovereignty. (3) Legal sovereignty. (4) Political sovereignty.
6. Clearly differentiate between de facto and de jure sovereignty.

CHAPTER X

LAW

The term law has been used in various senses. When applied to the world of nature, it is used to denote a sequence of cause and effect or a uniformity characterising the behaviour of things, *e.g.*, the law of gravitation, or the law of tides, or the law that water keeps its level and so on. Such laws are known as physical laws and they are permanent, inviolable and fixed. Civics does not deal with such laws. On the contrary it deals with rules which prescribe the conduct an individual is to follow.

Laws in social life mean rules of conduct which regulates the relations of human beings living in society. These rules may be enforced by public opinion or the moral consciousness of the society, in which case they are termed as social laws; or they may be enforced by the power of the state, in which case they are known as political or positive laws. These rules may also relate to the inner side of human conduct or to motives and in this case they are known as moral laws, *e.g.*, do not tell lies, do not be ungrateful, be gentle, etc.

Nature of positive laws. Positive laws are studied in civics. A positive law as defined by Holland means a general rule of external human action enforced by a sovereign political authority. The sovereignty of the state expresses itself in the form of laws. The law is therefore a command of the sovereign authority issued to the rest of the members of a political community and enforced by material sanctions.

In a despotic state, the sovereign authority is exercised by the ruler. Hence in such a state it is the will of the ruler which makes the law. But even a despot, in formulating his laws, has to take into account the

customs, beliefs, traditions and habits of his people lest he may arouse them to active rebellion and opposition. In a democratic state, however, law represents *public opinion* or the deliberate wishes of the people as crystallized in the decision of the majority of the popularly elected legislature.

No law, in any case, can have any moral validity unless it promotes public welfare and ministers to the real needs of the people. A law which does not satisfy the test of goodness, given later on in this chapter, even when it expresses the will of the state, has no moral claim to obedience. In the case of a true moral law, there is, thus, no contradiction between law as the expression of the will of the state and law as the expression of public opinion.

Kinds of positive laws. Positive laws of the state may be either private or public.

✓ (1) *A Private Law.* It is a law which regulates the relations between individuals themselves. It is a rule of conduct which determines the relations between one citizen and another. The laws of debts, transfer of property, pre-emption, inheritance, etc. are studied under this heading.

✓ (2) *Public Law.* When the command of the sovereign relates to the relations between the individuals and the state, it is called public law. The crimes that the individuals commit against the state come within the purview of this kind of law, e.g., if a person commits a theft, or a dacoity, or a murder, he is tried under the public law of the state.

Kinds of other laws. Besides the above there are several other kinds of laws :—

✓ (1) *Constitutional Law* is the law which determines the basis of the organisation of government in a particular country. It discusses the organisation of the state, structure and relations of its organs, and the relations of the citizens to the state. In some states, the constitution cannot be amended by the legislature

in the way as any other law of the state is done. A special machinery is needed for changing it and hence constitutional laws differ from the ordinary laws of the land.

✓ (2) *Statutes*. The ordinary laws of the land which are enacted by the legislature of a country are also sometimes called as statutes.

✓ (3) *Ordinances* are the temporary laws issued by the executive Government for dealing with some extraordinary and emergent situation. Indians are quite familiar with such ordinances which are issued from time to time by the G. G. for six months.

✓ (4) *Case Law* is the law which is based on the decisions of the law courts.

✓ (5) *Common Laws*. The body of rules, which are enforced by the courts but are based upon customs, rather than on legislative enactments are called common laws, e.g., the law of adoption amongst the Jains, customs amongst the traders and so on.

✓ (6) *Administrative Law* as defined by Dicey means the rules which determine the position and liabilities of all state officials, the civil rights and liabilities of private individuals in their dealings with officials as representatives of the state, and the procedure by which these rights and liabilities are enforced. This law prevails in France and is quite different from the law of England. In France, the officers of the state, when they commit certain crimes, are not tried according to the ordinary laws of the land, or by ordinary courts, but by special laws known as administrative laws and by special courts known as administrative courts.

✓ (7) *International Laws*. These are the rules or customs which regulate the relations between different nations. These rules do not constitute law in the ordinary sense since there is no commonly recognised authority to enforce them or punish their violation.

Law and ethics. Ethics is the science of morality.

It lays down rules of ideal conduct for citizens. A positive law is also a rule of conduct for the guidance of citizens living in a particular state. As such, positive laws of the state, should as far as possible, conform to moral codes laid down by ethics. Laws to be efficacious, must represent the moral ideas of the people. But law and morality though closely influenced by each other, are yet distinct and separate.

Distinction. (1) The sanction behind positive law is the authority of the state, morality has only the sanction of public conscience.

(2) Positive law is concerned only with external human action; ethical law with both external and internal. In positive laws the state punishes only those individuals who break the ordinary laws of the land by committing certain crimes, e.g., theft or murder or riot, etc. It does not punish those individuals who are unfaithful or liars or ungrateful, etc. On the contrary, the laws of ethics not only say that the crimes like theft, murder or riot, are bad, but also that man must not be ungrateful, faithless, or untruthful.

(3) Positive law allows many things which are morally wrong like ingratitude, faithlessness, falsehood and punishes many perfectly moral actions, like walking on the right side of the road, rash driving, etc. The laws of ethics deal only with moral actions and not with administrative ones.

Natural law and positive law. The term natural law has been differently interpreted by political philosophers. The Greek writers and the Stoics regarded natural law as the law of reason or the divine law or the law of conscience. The Romans also regarded it as the true law of human action. It belonged to man as man and was the expression of the highest reason in him. Their *jus gentium* was based on *jus naturale*. In the middle ages the law of nature was identified with the law of God. After renaissance, the law of nature was utilised for the propagation of the social contract theory of Hobbes, Locke and Rousseau.

(5) They should be just and impartial and not discriminatory. All people should obey the same laws irrespective of their birth, riches, colour or nationality. In the eyes of law, all should be treated equally.

Laws which satisfy the above tests are good otherwise bad. All laws in the modern states do not come up to the standards laid down above. There are many laws which instead of serving as agents for the moral development of citizens prove as definite hindrances in the enjoyment of their ordinary rights.

Conditions under which citizens can disobey state laws. When a particular law of the state is bad in the sense that it proves a hindrance in the way of the development of perfect character in man, it can be resisted. An effort must be made to secure its repeal by constitutional agitation. Every law of the state, however, which does not appeal to the susceptibilities of a particular individual should not be resisted. A common consciousness must exist in the society against the harmful effects of that particular measure. The right-minded majority of population in a country must feel that the law is immoral, that it is a hindrance in the way of the realisation of the best life of individuals and that it is based on injustice. When all these conditions are satisfied, an attempt must be made to educate public opinion about the badness of that particular measure by carrying on a vigorous propaganda in the press and on the platform. Elections to the legislature—if the country is democratic—must be fought on this issue, and the members within the legislature by constant agitation must compel the government to see the consequences of their immoral act. If the government responds to the popular will, it is all to the good, but if it persists in its unreasonable attitude and suppresses the agitation by its brute force, then the citizens have no other alternative but to declare a general disobedience of that law. The resort to this extreme course must be the last remedy of a desperate evil. In the beginning all constitutional means of agitation must be exhausted to secure a repeal of the act in ques-

do not. There is, however, a school of thinkers which denies this contention. According to them, the question of the goodness or badness of laws does not arise at all, as laws have nothing to do with morality. They are unethical in character. They are laws not because they have a moral end but because the sovereign commands them and enforces them. It is their source that gives them the character of law and not their content or purpose. Every law is as good as any other, if it is made and enforced by the sovereign. The will of the sovereign obeys no superior and consequently whatever he commands is valid and must be obeyed. We think that this view is based on a partial view of law. It thinks that the form of law gives it the character of law. It ignores that there cannot be a law without a content. The content of law has, therefore, to be taken into consideration as much as its form. Laws are needed for the sake of human welfare and not for their own sake. They have, therefore, to be judged by their effects.

The tests of good laws may therefore be prescribed as follows :—

- (1) They should help the citizens of the state in the development of their personality and the realisation of their best self. They should aim at making life happy and not at strengthening the position of the rulers or serving class ends.
- (2) They must be definitely related to and approved of by the moral consciousness of the society. In other words, the citizens should obey these laws not out of fear of punishment but because they perceive their necessity and utility.
- (3) They should not be oppressive i. e., such laws which deprive the people of their moral and natural rights.
- (4) They should be based upon the general will of the people, that is to say, they should be passed by those representatives of the people who are moved by considerations of general welfare.

(5) They should be just and impartial and not discriminatory. All people should obey the same laws irrespective of their birth, riches, colour or nationality. In the eyes of law, all should be treated equally.

Laws which satisfy the above tests are good otherwise bad. All laws in the modern states do not come up to the standards laid down above. There are many laws which instead of serving as agents for the moral development of citizens prove as definite hindrances in the enjoyment of their ordinary rights.

Conditions under which citizens can disobey state laws. When a particular law of the state is bad in the sense that it proves a hindrance in the way of the development of perfect character in man, it can be resisted. An effort must be made to secure its repeal by constitutional agitation. Every law of the state, however, which does not appeal to the susceptibilities of a particular individual should not be resisted. A common consciousness must exist in the society against the harmful effects of that particular measure. The right-minded majority of population in a country must feel that the law is immoral, that it is a hindrance in the way of the realisation of the best life of individuals and that it is based on injustice. When all these conditions are satisfied, an attempt must be made to educate public opinion about the badness of that particular measure by carrying on a vigorous propaganda in the press and on the platform. Elections to the legislature—if the country is democratic—must be fought on this issue, and the members within the legislature by constant agitation must compel the government to see the consequences of their immoral act. If the government responds to the popular will, it is all to the good, but if it persists in its unreasonable attitude and suppresses the agitation by its brute force, then the citizens have no other alternative but to declare a general disobedience of that law. The resort to this extreme course must be the last remedy of a desperate evil. In the beginning all constitutional means of agitation must be exhausted to secure a repeal of the act in ques-

tion. Even when the necessity of a general disobedience of such law is acutely felt by the masses—as was the case with the Rowlatt Act in India—the movement must be non-violent as far as possible.

Can an individual refuse to serve in the army when called upon to do so, under any circumstances? So far as the wars for gaining political freedom and for defending the independence of the country against some external invasion are concerned, the individual must not refuse to serve in the army and should sacrifice his life for defending the honour of his nation. The state maintains condition in which alone an individual can realise his personality, hence when its security is endangered it becomes his duty to fight for its existence and independence. But when a war is fought for an imperialist end or to crush the liberty and independence of some other country, it is the duty of all citizens to refuse to fight for such an ignoble cause. In such a case, it cannot be said that the state is engaged in promoting the moral good of the individual or of the community, and an individual can refuse to expose his life and that of others to danger in exercise of his right to live, which is violated by the demand of the state.

TEST QUESTIONS

1. Define law. What are its various kinds? Which law is studied in civics?
 2. What are the various sources of Law?
 3. Discuss the relation between law and ethics.
 4. "Law is the expression of the will of the state." "Law is the expression of public opinion." Is there any contradiction between these two statements?
 5. What are natural laws? How are they related to civil laws?
- (U. P., 1933)

6. Can you distinguish between a good law and a bad law, if so, what is the basis of distinction? How would you secure repeal of a bad law? (U. P., 1932, 1936)

7. Define law. What are the sources of law and its kinds? (U. P., 1932, 1936)

8. Write short notes on:—(1) Constitutional law. (2) Statutes. (3) Common law. (4) Equity.

9. Has a citizen a right to refuse to fight when called upon by his state? Under what circumstances is it his duty to resist the commands of the state? (U. P., 1934)

CHAPTER XI

CONSTITUTION OF THE STATE

§ 1. MEANING AND NECESSITY OF CONSTITUTIONS

Meaning of Constitution. The term constitution has been variously defined by different writers. Thus Dicey defines it as, "all rules which directly or indirectly affect the distribution or the exercise of sovereign power in the state." Gilchrist defines it as, "that body of rules or laws, written or unwritten which determine the organisation of government, the distribution of powers to the various organs of government, and the general principles on which these powers are to be exercised." According to Bryce, "the constitution of a state or a nation consists of those of its rules or laws, which determine the form of the government and the respective rights and duties of the citizens towards the government." Leacock defines it as "the form of any particular state." A constitution is thus the nature of that body of laws and rules—written or unwritten—according to which the government of a country is carried on.

Necessity of Constitution. A government, in order that it may be amenable to public opinion and may not act arbitrarily against the general interest, has got to be bound down by certain definite laws and rules. The powers of the various organs of the government and the rights and privileges of the citizens of state must be definitely laid down. In the absence of a constitution the persons in charge of the governmental machinery may begin to rule autocratically and the people may be deprived of their rights. Hence, some set of rules written or unwritten, to circumscribe the powers of the executive government are necessary for the peaceful administration of a state.

Requisites of Constitution. Gettel gives the following requisites which a good constitution should possess:—

(1) *Definiteness.* All the terms of the constitution must be clear and free from all ambiguity.

They must not admit of double interpretation and should be easily understandable. For this reason constitutions which are written are usefully worded are considered to be very satisfactory.

(2) *Comprehensiveness.* The constitution should cover the whole field of government. As far as possible, nothing should be left out. It must give out in detail the entire machinery of government and the powers of its various organs.

(3) *Brevity.* A constitution should be as brief as possible, of course, in consistence with comprehensiveness and clarity. Too many details must be avoided. Only the general principles of government ought to be discussed in this document. A detailed constitution involves the necessity for frequent amendments and modifications to keep pace with the changing conditions and hence must be avoided.

(4) *Flexibility.* The constitution of a country ought to grow according to the needs of the people and change of the times. No constitution can be perfect for all times; what is suitable today may not be so tomorrow. It must keep pace with the advancing age. But this does not mean that the constitution should lose its stability and be changed every day. Stability and flexibility should go hand in hand.

Besides the above requisites of a good constitution given by Gettel, there should be two more.

(5) *Declaration of Rights.* A good constitution should embody a declaration of the fundamental rights of the citizens for safeguarding individual liberty.

(6) *Independence of Judiciary.* To safeguard the liberty of the individual and secure the impartial ad-

ministration of justice it must also provide for an independent judiciary.

§ 2. CLASSIFICATION OF CONSTITUTIONS

(1) Evolved and enacted constitutions. *An evolved*

constitution is one which is the result of evolution and growth. It is a product of history. Its beginning can be traced back to very early times, when the people felt the necessity for law and order, and in accordance with certain customs and traditions set up a government for the administration of their affairs. These customs and traditions grow with the changing needs of these people and ultimately help in the formation of a constitution for the state. The constitution of England has evolved in this way and may be said to be still in the process of growth.

It was not enacted at any particular time. It has grown bit by bit. The greatest advantage of this constitution is that while maintaining a contact with the past, it grows with the changing needs of the times.

An enacted constitution is one which is made by some authorised body at a particular time. The members of the body collect together at some central spot and there by joint deliberation and mutual discussion, they enact a constitution in the form of a single document. The constitution of America was made in this manner. An enacted constitution is necessarily a written constitution.

(2) Written and unwritten constitution. In a *written constitution* the fundamental principles, rules and powers of the government are reduced to writing in a single document. It is a work of conscious art and the result of a deliberate effort. In a written constitution the fundamental rights of the people; the structure of governmental machinery and the procedure of its work are all definitely laid down.

An unwritten constitution according to Garner is one "in which most, but not all, of the prescriptions have never been reduced to writing and formally embodied

in a document or 'collection of documents'. In such a constitution, the form and rules of government are based upon usages and customs of the country. Such a constitution grows out of the development of national life. It is a product of history and is not made by man. England possesses such an unwritten constitution.

Criticism. The distinction between a written and unwritten constitution is merely one of degree rather than of kind. There is no constitution in the world wholly written or wholly unwritten. The English constitution which is termed as unwritten has several written elements in it, like the Bill of Rights, the Magna Charta, etc.

In the same way, in the constitution of America which has a written constitution, there are several unwritten portions in the shape of customs and traditions. The powers of political parties and the election of president, are some of the examples.

(3) **Flexible and rigid constitutions.** A *flexible constitution* is one which can be changed through the ordinary procedure of law making. In this case, the constitutional laws have no special sanctity and do not require for their change any special machinery. They are framed modified and repealed by the same authority, which is responsible for the enactment of the ordinary laws of the land. In such constitution no distinction exists between the ordinary laws and the constitutional laws. England possesses such a constitution. In that country, the fundamental laws of the constitution can be changed in the same manner as ordinary laws, e.g., the British Parliament can make a law increasing the term of the lower house, it can abolish the institution of kingship, it can change the voters' qualifications and so on.

A *rigid constitution* is one which can be changed through an extraordinary process only. In such a case, a distinction is made between the fundamental laws of the constitution, which are considered as very sacred,

and the ordinary laws of the land. The latter can be framed, modified and repealed by the legislature of the country, but not so the former. Special machinery is needed for changing them. The American, the French and the Indian constitutions are rigid. Written constitutions are generally rigid while unwritten are flexible.

Merits and demerits. *Merits of Flexible Constitution* (1) It is elastic and hence, can be adapted to the new changing conditions of the society. It can be bent without being broken and can be easily changed to suit altered circumstances. (2) The people can very easily get it amended and thus the possibilities of revolution are lessened. (3) It keeps abreast of times and moves with the advance of civilisation. (4) A flexible constitution can be easily twisted to meet great emergencies like that of war or a national crisis. A rigid constitution on the other hand is like a garment made to suit a man's body without any regard to his future growth and development.

Demerits of Flexible Constitution. (1) It vested too much power or discretion in the hands of legislators, who may become autocrats and deprive the people of their rights.

(2) Frequent changes in the constitution are not desirable, as they promote party feelings and cause a good deal of dislocation of public business.

(3) Flexible constitution can only be adopted by a community whose political education has reached a high watermark of perfection.

Advantages of rigid Constitution. (1) It is definite, stable and certain. Even a layman can understand it and know his rights. It is free from all vagueness of an unwritten constitution.

(2) It safeguards individual liberty in greater measure, because the powers and discretionary authority of the executive are limited and further because, generally, it embodies a declaration of the fundamental rights of the citizens.

(3) It affords a valuable protection to the minorities in respect of their rights and privileges.

Disadvantages. (1) It is inelastic and sometimes even very necessary changes cannot be made in it.

(2) It cannot adapt itself to the changing needs of the times and thus retards the health growth and progress of the nation. Lord Macaulay correctly remarked that, "the great cause of revolution is, that while nations move onwards, constitutions stand still."

(3) It is full of technicalities and couched in a legal language which is difficult to understand.

Conclusion. The comparative advantages and disadvantages of these types of constitutions may be summed up as follows :

The merit, *i. e.*, adaptability of a flexible constitution is the defect of the rigid constitution, while insecurity, the defect of the flexible constitution is the merit of the rigid constitution.

For communities whose political education has reached a high degree of perfection, where the people are enlightened and progressive without being eager for change, and where the people are fully conscious of their rights and duties, an unwritten constitution is preferable.

But for a community whose training has been imperfect and where the population is not homogeneous, *i. e.*, where minorities exist, a written and a rigid constitution is generally preferred. The modern tendency of states is to enact a written and rigid constitution for the following reasons:—

(1) To restrict the powers of the executive government, (2) To declare the fundamental rights of the people, (3) To remove controversies about conflicting customs and traditions, (4) To give shape to a federal constitution, and lastly, (5) To renew an old constitution.

(4) **Unitary and federal constitutions.** *A unitary constitution* is one in which the entire administration of a country is carried on from one single centre. For purposes of convenience the central government may create convenient administrative units in the shape of provinces or local boards but they all derive their powers from the central government, and these powers can be withdrawn or extended by the same authority at its sweet option. England, France and Italy possess such a unitary constitution.

A federal constitution, on the other hand, is one in which several autonomous and independent states combine together to form a union for the attainment of some common objectives. In this union, each and every federating state retains its supremacy within definite spheres, transferring the control of only a limited number of subjects of common interest to the central government. Each federating state has its own legislature, executive and judiciary apart from those of the Central Government. There is a double government, double allegiance and double loyalty in a federation. The citizens of a state owe loyalty to their state government as well as to the Federal government. The United States of America, the U. S. S. R., Switzerland, Australia and Canada are examples. By the 1935 constitutions, a special kind of federation is also being imposed upon India.

Distinction between unitary and federal governments. (1) In a federation, the authority is divided; in a unitary constitution, it is centralised.

(2) In a federation, the units derive power from the constitution; in a unitary state, the provinces derive power from the central government.

(3) The constitution of a federation must be written and rigid. This is not necessary for a unitary state.

(4) In a federation, supreme court is a necessity, but not so in a unitary constitution.

Purpose of federation. A federation is generally formed for the following reasons :—

- ✓(1) To protect the independence of the country by joint action against the invasion of some more powerful neighbour. ✓(2) To develop the economic resources of the federating states with greater advantage. ✓(3) To achieve cultural and national unity. ✓(4) To secure greater international prestige in the diplomatic world. ✓(5) To reduce the expenses of administration.

Requisite conditions for the formation of a federation. Dicey lays down the following essential conditions for the constitution of a federation :—

- ✓(1) There must be a number of states—at least two—which want to constitute a federation. (2) All state must be geographically contiguous and almost of equal size. (3) They must be so closely connected by locality, history, race or the like, as to be capable of bearing in the eyes of their inhabitants, an impress of common 'nationality. (4) They must desire union and not unity.

Salient features of a federal constitution. A fully developed federation must possess the following characteristics :—

- (1) *It must Have a Rigid and Written Constitution.* The federation is a sort of contract between the several joining states for the attainment of some common objectives. It is, therefore, necessary that the terms of this contract must be definitely written down in the shape of a constitution, and these terms should, as far as possible, be fixed.

(2) *Distribution of powers.* It is an essential feature of federation. The object for which a federal state is formed involves a division of authority between the national government and the separate states and as such, their separate spheres of action must be definitely prescribed. The principle of distribution is that those powers which are of common concern to all the units and about which uniformity of regulation and control is necessary or desirable are entrusted to the central government, the rest being left to local units. Such

powers as foreign affairs, defence, currency and coinage, posts and telegraphs, customs, patents and copyrights are everywhere entrusted to the central government. Other powers such as law and order, jails, justice, education, health, industries, etc., are left to state governments. In some constitutions as U. S. A., Switzerland, etc., the central government is given certain well-defined powers; the rest called residuary powers, being left to the local governments. In some other constitutions, however, like Canada, a reverse process is followed. The state governments having delegated powers and the residuary powers being entrusted to the federal governments. In India a third list of concurrent subjects has been created. On these subjects both the central and state governments can make laws but in cases of conflict the central law prevails.

(3) *The Authority of the Courts to Act as Interpreters or Guardians of the Constitution.* In order to see that the terms of the constitution are faithfully followed by all the parties to the contract, the presence of a supreme court is absolutely necessary. This court which is generally known as federal court serves as the guardian of the constitution and decides cases of dispute between the central and the state governments.

The idea of federation is now-a-days becoming very popular in the democratic world, because it is a wonderful political contrivance for reconciling national unity and power with the maintenance of state rights.

(Dicey)

(For advantages and disadvantages of federation the student is referred to the next chapter).

TEST QUESTIONS

1. What do you understand by the term constitution of a state? Explain clearly the distinction between rigid and flexible constitutions. (U. P., 1937)

2. It is said that the distinction between written and unwritten, rigid and flexible constitutions is one of degree rather than of kind. Discuss.

3. What do you understand by the term 'constitution'? On what principles is the classification of modern constitutions based? (U. P., 1956)

4. What are the essentials of a good constitution?

5. Give a brief description of the different types of constitutions, explaining the grounds on which they are classified. (U. P., 1932)

6. Clearly distinguish between a unitary and a federal constitution. (U. P., 1936)

CHAPTER XII

CLASSIFICATION OF STATE AND GOVERNMENT

§ 1. CLASSIFICATION OF STATES

Basis of classification. There is a very great difference of opinion amongst the different political philosophers as to the basis of the classification of states and government. All states have common characteristics, they all possess population, territory, government and sovereignty. To classify the states on the basis of territory or population—that some states are large, others small, some contain a large population, others smaller—is not scientific, and has no practical value. The government is the only external manifestation of the state; it can be easily felt and seen by the people. It appears more scientific, therefore, to classify the states on the basis of their governments and the distribution of powers in the state. Leacock, Gilchrist and some other political writers hold this view. But it is criticised by a large number of other political writers, who maintain that the classification of states on the basis of different forms of government is unscientific, illogical and misleading.

In our view, since the states are effectively organised only through their government a classification of states can only be made on the basis of their governments.

Aristotle's classification of governments. Aristotle classified government on the basis of two principles: (1) The number of people in whom the sovereign power is vested, (2) the end to which the conduct of government is directed. If the rulers rule the country in the best interest of the masses, it is known as a normal form of government; if they rule in their own selfish interest, it is known as perverted form of govern-

ment. Aristotle's classification may be summed up as follows :—

<i>Sovereignty of</i>	<i>Normal form</i>	<i>Perverted form</i>
1. The one	Monarchy	Tyranny
2. The few	Aristocracy	Oligarchy
3. The many	Democracy	Mobocracy

Aristotle used the term polity to indicate a normal form of government and democracy to indicate the perverted form of government, but now the term democracy is generally used for a pure or normal form of government, and hence mobocracy has been used to indicate perverted form of democracy in the above table.

Aristotle's classification of governments is criticised on the ground that it does not suit the modern conditions of the world. Now-a-days there are many other forms of governments like Federal, Unitary, Parliamentary, Presidential governments etc. which are not included in the classification. A more scientific and correct classification of governments would, therefore, be attempted in the following pages.

§ 2. OLD CLASSIFICATION OF GOVERNMENTS

Governments, in olden times, were classified as monarchical, aristocratic and democratic.

Monarchy. It is a form of government in which the supreme power of the state is concentrated in the hands of a single individual, elected or hereditary, but more so the latter. Now there are no elected monarchies. They are either (a) absolute or (b) limited.

(a) *Absolute Monarchy.* It is one where the single individual in charge of the governmental machinery of the state, rules his people according to his own will, unfettered by any law or constitutional limitation.

Advantage of Absolute Monarchy. It is the most ancient, the most widely diffused and the most natural of all forms of government. All the world began with

it and all the world had been preserved by it. Absolute monarchy has been defended on the ground that (1) it is this form of government which, more than any other, possesses the elements of strength, simplicity of organisation, ability to act quickly, unity of council, continuity and consistency of policy, and a certain prestige in the conduct of foreign relations. (2) Laws in an absolute monarchy are easily enforced, because the monarch has a free hand in selecting skilled officers, who can be more amenable to strict accountability. (3) In the early stages of civilisation, absolute monarchy is well adapted to the needs of the people. Mill remarked that, "Despotism is a legitimate mode of government for dealing with barbarians, provided the end by their improvement." It helps to unite dissentient elements in a country into a strong unity and thus paves the way for a constitutional government. (4) This form of government is less expensive. The huge expenditure of money on the maintenance of legislatures, conducting of elections etc. is saved. (5) The monarch is an intelligible head of the state and hence in times of war or national crisis, people can converge together round him.

Disadvantages. This form of government is, however, full of serious defects and is not suited to the modern conditions. (1) An absolute monarch often abuses his powers and uses them for his selfish interest, thus exposing the people to great hardship and tyranny. Despotism would be the best form of government, if a good despot could be ensured, but this is not always possible. (2) The test of a good government is not its efficiency of administration alone, but that it must rest upon the affection of the people, stimulate amongst them an interest in the public affairs and create an active, intelligent and alert citizenship. All this is absent in absolute monarchy. (3) Absolute monarchy does not arouse any political consciousness in the people and lets them remain lazy, inert and passive. (4) The hereditary system for the choice of a monarch is indefensible. It places the destiny of the

people in the hands of an incapable person who may be born of a capable monarch.

Absolute monarchy has now disappeared from all the countries of Europe and even in eastern countries, democratic institutions are being gradually established.

(b) *Constitutional or Limited Monarchy.* It is a form of government in which the powers of the monarch are restricted by the terms of constitution, which he has no power to overthrow. The king in such a constitution occupies the throne, but does not govern the people. He is merely a dignified figurehead of the state. The actual administration of the country is carried on by the elected representatives of the people. In England, Belgium, Holland etc., there is such a form of government.

Merits. The great merit of constitutional monarchy is that, (1) while it removes the defects of a despotic rule under an absolute and selfish monarch it preserves all the advantages of a benevolent rule by an enlightened king (2) The monarch is an intelligible head of the state and thus stimulates the loyalty of the people round his person. (3) It removes the political unrest and upheaval that results on the election of some new executive head of the state. (4) It tends to promote continuity of executive policy in the conduct of the government. (5) The benefit of the sound and sane advice of a capable monarch with his long administrative experience is obtainable to the executive government.

Defects. The defect of this system is that hereditary succession can never ensure the succession of an invariably competent ruler of the state. Moreover, there is always a lurking danger of usurpation of power by the king. In the democratic age of equality, the retention of this institution is an anachronism.

✓ *Aristocracy.* Aristocracy is a form of government in which a few great people run the machinery of administration of a state. The people may be great because of high birth or wealth or intellect. Aristo-

ocracy may, therefore, be said to be aristocracy of birth or wealth or intellect. The ancient Greeks differentiated between aristocracy and oligarchy by saying that aristocracy is a government by the virtuous few and oligarchy a government by a wealthy minority in its own interest. Now-a-days no such distinction is made and generally by aristocracy people understand a class of wealthy people or landed magnates.

In ancient and mediæval times, aristocracies were very common. Now-a-days they are represented by the upper chambers of legislature and are either hereditary or nominated or elected on the basis of some high qualifications. The upper chambers thus represent the landed, capitalistic and high born classes in a state. In England, the house of Lords is mainly composed of hereditary peers and represents a class of politically enlightened, cultured and high born people.

Merits of Aristocracy. (1) It emphasises quality, rather than mere quantity, character rather than mere numbers. It assumes that some are better fitted to govern than others. (2) It attaches great importance to experience and training. Only those persons are considered best rulers who have a special training in the art of government. (3) It honours authority and has great reverence for established customs and traditions. (4) It represents the element of stability and conservatism in our national life and checks every rash action. It thus avoids ill-considered political experiments and advances cautiously by measured steps. (5) It covers the passions of democracy and holds in check the absolute tendencies of monarchy. (6) It represents a class of rich persons who have a great stake in the country and who run the government very cautiously.

Defects. A true aristocracy is really a very noble form of government and does not come into conflict with the idea of democracy. Democracy represents nothing but aristocracy on a large scale. (1) But the weakness of aristocracy lies in the difficulty of finding

sound and just principles by which the fittest may be separated from the unfit; and when it is done, of providing adequate security against the temptation of the former class to exercise power in its own interest. (2) Aristocracy generally represents a class of wealthy people and riches are not a test of intellect. (3) Aristocracy tends to become hereditary which is highly objectionable. (4) It emphasises too much of conservatism which mars progress.

Democracy. The word, democracy is derived from two Greek words 'demos' which means people and 'cratia' which means Government. Democracy, therefore, as popularly understood, means a form of government in which everyone has a share, or as one in which the majority rules, or as one in which the adult male population has a voice. Thus Bryce defines democracy as, "that form of government in which the ruling power of a state is legally vested, not in any particular classes, but in the members of the community as a whole." It is a form of government in which the political power rests with the masses or people. Abraham Lincoln defines it as "a government of the people, for the people and by the people." In this form of government ruling power is vested, not in any particular class or classes, but in the members of the community as a whole. It is the government in which the will of the whole people prevails in all important matters of administration.

Democracy—Not Merely a Form of Government. But to define the term democracy as merely a form of government is to rob the term of all its true significance. Democracy is not merely a form of government, but an order of society in which the worth of human dignity is fully realised. Democracy is a form of government, a form of state and a form of society. It represents that type of social organisation from which all class distinctions and privileges have been removed. It rests on the basic principle of equality. It can never survive in an atmosphere where all the people are not treated equally or where a class of persons are permanently

kept down under conditions of social oppression and tyranny. Democracy represents an attitude of mind, an outlook on life which demands that everyone should be treated equally irrespective of differences in caste, creed or colour. Democracy as a form of government is a sham, unless accompanied by economic democracy and social democracy. Till the differences in the income of different classes of people are reduced to a minimum, democracy can never be successful.

Merits of democracy. A huge political literature has grown round the complex concept of democracy. Perhaps no other form of government has been so much discussed as this. It has both its uncritical protagonists and its uncritical antagonists but the bulk of the writers on democracy are its rational supporters. They see the attendant evils of democracy and yet consider it to be the best of all forms of governmental or social organisation. The uncritical devotees of democracy, like George Bancroft, look at it as something sacred and inviolable. To them, democracy represents the ideal form of government and the nearest approach to social perfection. The other rational supporters of democracy realise the shortcomings of this form of government but they hold that in spite of defects, it is the best form of government.

The advantages of democracy are two-fold, firstly, it is the best way of conducting the government, and secondly, it exercises a very wholesome effect on the moral and intellectual character of the people. We may summarise the advantages of democracy as follows :—

(1) It is the only form of government which is based on public opinion. It is carried on by the representatives of the people who are always subject to popular control and immediately responsible to the electorate.

(2) It ensures that the interests of all shall be taken into account in the formulation of the policies of the state. Thus the minorities in this form of government get full opportunities for the expression of their own

opinion and safeguarding their rights. Democracy minimises the danger of the rulers formulating their measures in the interests of a particular class or group of people rather than in the interests of the whole.

(3) It avoids all danger of the people being exploited by a reigning despot or a governing aristocracy.

(4) It diminishes the danger of popular risings in society against the government because the people feel that the government is theirs. It is thus comparatively the most stable form of government.

(5) It rests on the fundamental principle of the equality of all men. It considers all people as of equal worth for taking part in the larger life of the community. Thus it enables each man to assert his spiritual dignity and moral worth. Even the poorest people, if they are really capable, can rise to the highest eminence in the administration of the state.

(6) It has a supreme ethical and educational value. It develops the civic instincts of tolerance, compromise, fellow-feeling, sympathy, love, co-operation, service and sacrifice in the citizens of a state. Thus it serves as a sort of training school for active, healthy and intelligent citizenship.

(7) It teaches the citizens to sacrifice smaller interests for bigger ends, the claims of lower units like the family social groups or religious community, for the larger interest of national good.

(8) It infuses political consciousness in the masses, who no longer wish to remain poor, ignorant or dumbdriven cattle. They become self-respecting and assertive.

(9) It enables the common man to understand the problems of the state and take an active part in the administration of his country.

Defects of Democracy. Democracy has been vehemently criticised by a host of writers like Lecky, Maine,

Barter, etc. They point out the following defects of democracy :—

(1) It emphasises quantity rather than quality. It is sometimes described as government by the fools as compared to a government by a virtuous few. It is said to be a government of the untrained and unfit, illiterate and ignorant.

(2) It regards the votes of all persons as equal. Thus the greatest men of the state are treated on par with the most imbecile idiots. The vote of a great personality is considered equal to that of an illiterate cobbler.

(3) It makes the decision of the majority (even very small) a law, even if the minority is wiser due to its superior moral and economic capacity.

(4) It gives encouragement to demagoguery. At the time of elections the people are swayed away by those persons who can make a strong appeal to their passion. Vote-catching slogans, high sounding phrases and attractive party shibboleths appeal more to the masses than high-reasoned speeches.

(5) Democratic equality is a monstrous fiction (*Burke*), a palpable incredibility and a delirious absurdity (*Ruskin*). Government is an art requiring special skill and knowledge and as such only those should have a share in the formulation of its policies who are specially trained for the purpose.

(6) Lecky says "democracy means the rule of ignorance and the negation of liberty."

"It curtails individual liberty because of its tendency towards excessive legislation." Sir Henry Main maintains that democracy is unfavourable to intellectual progress, to the growth of literature, science and art.

(7) It tends to exploit the rich for the benefit of the poor. It is fickle, incompetent and discourages the brilliancy of intellect. It tends to become a government of crowds and is characterised by unbridled emotionalism and the decay of national character,

(8) One of the most severe criticisms of democracy is that money plays a great part in it. Ambitious candidates with large fortunes spend a huge amount of money in contesting elections and purchasing the votes of the poor people. Such a government cannot be said to be the best form of government.

(9) It is generally changing, specially in a country where there are more than two parties. The frequent changes of government mean a great deal of dislocation in public business, owing to sudden changes in the policies of the government.

(10) All the evils of the party system make their influence felt in this form of government. Often a democratic government is carried on by a party caucus and not by the masses.

Lord Bryce sums up the chief faults of democracy as follows :—

(a) Influence of money in perverting legislation and administration, (b) the tendency to make politics a trade or profession, (c) extravagance in administration, (d) distortion of the doctrine of equality and the failure to appreciate the value of administrative skill, (e) undue power of party organisation, (f) the tendency legislators and public to bargain for votes in the passing of laws and in tolerating the breaches of orders.

But of these defects, the first three, he points out are found in all governments and on an impartial examination of all the merits and demerits of this government, the balance stands in favour of democracy.

Kinds of democracy. Democracy is sometimes classified as (i) direct democracy, and (ii) indirect democracy.

(i) *Direct Democracy.* It is one in which all the people of a state take a direct part in the formulation of its policies. This form of government prevailed in ancient Greek and Roman city-states. Now-a-days it is followed to some extent in the cantons of Switzer.

land. But owing to the large size of modern states, direct democracy has become impossible.

Advantages and Disadvantages. Direct democracy had the advantages of education and infusing political and civic consciousness in the citizens. It made all people interested in the affairs of the state and thus promoted national solidarity. In a modern state, however, with its huge population and vast area, direct democracy is out of question. Indirect democracy is, therefore, the rule.

(ii) *Indirect Democracy or Representative Democracy.* It is a form of Government in which the administration of the country is carried on by a few elected representatives of the whole body of citizens. Now-a-days a representative legislature elected by the whole body of people generally carries on the administration of the state.

Direct democracy is adopted in spirit by some of the more advanced states like Switzerland and U. S. A. in the shape of referendum, initiative recall and plebiscite.

Referendum. It means that a law passed by the legislature would not become an act unless approved of and ratified by the majority of the electorate. Referendum is said to be compulsory when all or a certain type of measures constitutional or otherwise proposed by the state have got to be submitted to popular vote for ratification. It is said to be optional when only such laws are to be submitted to the vote of the public as are so demanded by fixed number of persons on petition.

Referendum provides for a verdict of the people on a measure before it is enacted into law. It is the direct expression of the sovereignty of the people. It safeguards democracy against betrayal by its representatives. It permits the sense of the nation to be taken on a particular issue and increases the national responsibility of the people. It, however, weakens the sense of responsibility of the legislatures, underestimates the importance of expert knowledge and skilled judgment

in the work of law making, submits laws to the most ignorant classes who cannot understand the complicated measures of the state, gives encouragement to agitators and leads to the passing of vicious and inefficient legislation through popular prejudice or ignorance. It can work well only in countries which possess a small population and where the people have received a great political training, possess keen intelligence and are well organised. In Switzerland and in some of the states of U. S. A. the principle has worked with great success.

Initiative. It is a method by which a certain number of voters may, through a petition, initiate or introduce legislation. They may either ask the legislature to frame a certain type of measure and submit it for popular ratification or may themselves draw up a bill and submit it for the consideration of the legislature with a view to its final adoption by the people.

The working of initiative is more difficult than the working of referendum because it requires much greater skill to frame a bill than to express an opinion on one already framed by the legislature. Its disadvantages are the same as have been mentioned above in the case of referendum.

✓ *Recall.* It means that a representative duly elected to the legislature can be recalled back by his constituency, if he loses its confidence. If required number of signatories send a petition to the government demanding the dismissal of a particular representative from his office, the question is submitted to the vote of the people and the official is removed if the majority of voters vote for his dismissal.

This system is liable to gross misuse and make the representative a mere mouthpiece of the election agents in his constituency. It exists only in U. S. A. and has not found much favour.

Plebiscite. It is a method of expressing the opinion of the people on a matter of state policy. In this

system, a certain question is submitted to the popular vote, which although may not have any binding force, is intended as a future guide of the policy of the government.

The future of democracy. Democracy was looked upon as something sacred and inviolable, as an ethical ideal, as a faith, as an ideal form of government; as a nearest approach to social perfection, as a panacea for all the evils and as something which promised a millennium on this earth, by many of its strong supporters like George Bancroft, Rousseau, Blackstone, Bentham, etc. But now, everywhere we find that democracy is in ruins, it is being replaced by an aggressive form of government—dictatorship. Why, after all, the world is thus retrogressing back towards mediævalism is a question asked everywhere.

The reasons for the failure of democracy are many and have been discussed in detail by several political philosophers. The defects of democracy—due to which it has failed—as conceived by Bryce have already been discussed in the last few pages. Here we will summarise the main gist of the arguments of various political writers on the discussion of the causes of the failure of democracy.

Edward Mechesny holds that the main cause of the failure of democracy is the lowering down of the intellectual calibre of the people. A government which is carried on the basis of the selection of rulers by bands of unintelligent people can never be successful. Unless democracy succeeds in making the voters intelligent by proper education, its future is doomed.

Democracy could be successful as a government of the people for the people and by the people. The modern democrats realised the first ideal by conceding the right of vote to all people but left the other two unrealised.

Democracy could never be successful in an atmosphere of oppression and tyranny, subjection and slavery

prevailing in the world owing to the imperialistic policies of the so-called more advanced and civilised democratic states. Democracy and imperialism are incompatible.

The modern democrats failed to realise that unless the right to economic minimum and to a more equitable distribution of wealth was realised in society, democracy could never succeed. Grinding poverty on the one end and fabulous wealth on the other, cannot go side by side in democracy.

The modern representative system is highly defective. By means of gerrymandering, the rulers so arrange electoral constituencies as to perpetuate power in their own hands. The democratic government is often not a government of the masses, but of a narrow minority and at times of a party caucus.

The above causes have been responsible for the failure of democracy. The future of the democratic world is in danger unless people try to remove these defects. The wave of dictatorship has swept over a large area : one after the other countries have succumbed before its onward march. If we have to preserve the ideal of democracy, it is necessary that we remove all these defects from the present structure of society.

Imperialism, poverty, distinction between the various classes of people, unequal distribution of wealth, social degradation of any particular class of persons—all these must be given a death burial. The people must be properly educated and true civic consciousness infused in their mind. All countries in the world must be free and war eliminated from human society. Only then, true democratic ideal can be attained and that dream of political philosophers of achieving federation of the world and parliament of mankind be truly realised.

Conditions for the Successful Working of Democratic Government. Democratic form of government cannot be successful in all the countries of the world. It

requires the presence of a certain environment and some qualities and traits in the character of the people which we discuss below.

(1) The most obvious and the most important condition for the success of democracy is the creation of an intelligent educated and enlightened public opinion. The two most important organs for the expression and formulation of public opinion, being the press and the platform, the people must enjoy the right to freedom of speech and freedom of press. In a country where the press is gagged or the right to free expression of opinion denied, no democracy can subsist. A government which gets out of touch with public opinion or ceases to act in conformity with its demands, forfeits its claim to be called a government of the people. The press in its turn owes a duty to the state to supply correct, impartial and honest news. If the press is controlled by powerful vested interests and distorts news and views the fountain of democracy is poisoned at its very source. An unscrupulous press creates communal and sectarian bitterness.

(2) Another important condition for the success of democracy is that a high level of general education must prevail in the society in order that the people may understand the problems of state. For the creation of a spirit for independent thinking and sound judgment also, which is so necessary to develop a correct attitude towards public affairs a sound system of popular education is necessary. Without proper education voters are tempted to barter away their votes for money or to be influenced by communal or sectarian considerations.

(3) The people who work the constitution must be imbued with a spirit of honesty and integrity and possess a high degree of political intelligence, abiding interest in public affairs, a keen sense of public responsibility and readiness to accept and abide by decisions of the majority.

(4) The people in the country must be politically conscious and imbued with a spirit of co-operation public spiritedness, toleration, right sense of duty, integrity, honesty, discipline, service and sacrifice.

(5) They must be able to sink their minor differences.

(6) The people must stand united together. Presence of divisions, etc., is a serious handicap in the way of the growth of democratic institutions in the people.

(7) The majority community in the country must understand that minorities have their own rights and they must be respected. The minorities should feel that the government is carried on in the interest of all and not for the benefit of a particular class or party.

(8) In a democracy all must be treated equally. all must receive equal respect and justice. All privileged oppressed classes must be abolished. There should not be some placed in a position of special privilege and others with a mark of social inferiority.

(9) Democracy is incompatible with extremes of riches and poverty. The differences between the incomes of different people must be reduced to the minimum by evolving a better system for an equitable distribution of wealth. In capitalist countries money corrupts the entire field of democracy, which is nicknamed as a "ballot box democracy."

(10) Dr. Beni Prasad says that one essential condition for the success of a democratic constitution is the presence of peace and security in the country. Disturbed and chaotic conditions are most unfavourable to it.

But the peace must not be the peace established and maintained by the force of arms, by the display of militarism ; it should have its foundation in the accommodating and peaceful habits of the people. Democracy rests on the willing obedience of the people to the laws of the state. The presence of armies navies

and bombing planes, inspire a sense of insecurity and lead the people to acquiesce in a strong government.

(11) There must be well organised political parties in the country which must be organised on differences of political and economic programmes and not on religious or communal lines.

(12) Introduction of local self-governing institutions is another requisite for the success of a democratic government. The average citizen is not so much interested in national affairs as in the affairs of his own locality. As such his participation in these institutions gives him a training in the art of democracy and creates in him an interest in the higher duties and responsibilities of the state. It is in this sense that it is said that, *local self-government is the foundation of national self-government.*

Conclusion. But all this does not mean that the establishment of a democratic form of government must be postponed in the country, till all these conditions are fulfilled. The process of democratisation in itself leads to the creation of all these conditions. Political education, public spirit, keen sense of responsibility and public integrity are all stimulated by the introduction of democracy.

The best method of securing the fulfilment of these conditions is to democratise the government and then to make efforts to improve the economic and educational condition of the masses. The remedy for democracy is not less but more democracy.

§ 3. MODERN CLASSIFICATION OF GOVERNMENTS

The old classification of governments given above does not suit the modern age. Monarchies, as they existed in the past, have ceased to exist. Those which still survive are limited monarchies and hence democracies. Similarly, the distinction between aristocracies and democracies is now largely arbitrary—the difference being one of degree only. The upper cham-

ber in modern democracies represents aristocracy to some extent.

The modern governments need an exhaustive classification in another manner. They have been variously classified by different writers. We have adopted three principles for the classification of states : 1. Relationship of the executive with the legislature. On this basis states may be classified as (a) despotic, (b) parliamentary, (c) presidential. (2) Concentration or distribution of power. On this basis states may be classified as Unitary or Federal. (3) Rigidity or Flexibility of constitution. On this basis states may be classified as having rigid or flexible constitutions.

Theocratic government is one which is dominated by priests, or where the administration of the country is carried on by some religious head of the people. In this form of government religion and politics are intermixed with each other. This government prevails now-a-days only in Tibet and in no other country of the world. It is a very unpopular form of government.

Secular government is one which is free from all sorts of priestly influences. Religion and politics are absolutely separated in this form of government. This form of government is now the most popular.

Monarchy. This is a form of government, as already discussed before, in which a hereditary person is the legal sovereign of the state.

Absolute monarchy now-a-days is unpopular, and prevails only in some eastern countries like Afghanistan, Persia, Siam, Nepal, etc.

Limited monarchy is as good as democracy. In this form of government the sovereign power of the state is concentrated in the hands of the people and not the monarch, who is merely a convenient figurehead of the state. This form of government prevails in England, Belgium, Holland, Norway etc.

Dictatorship. It is a government by a single person as the executive head of the state, in whose hands the entire sovereign power of the government is concentrated, and whose commands are obeyed by all the people. The dictator may be a usurper who may have secured all his powers by virtue of brute force at his command, or he may be a popular hero, who has been elected by the people in some period of national crisis. Dictatorship differs from absolute monarchy, inasmuch as the dictators rise to power on the crest of a popular wave and maintain their positions as the leaders of their people without royal insignia or title. There is such a form of government in Germany, Russia and Italy. The tendency of the modern world is towards dictatorship owing to the apparent failure of democratic forms of government. All the defects of

absolute monarchy are also present in dictatorship. Under this form of government there is no freedom of speech or action, or liberty of press or association. All opposition is ruthlessly suppressed and the will of one man rules the destiny of millions of citizens. The government of the dictators is backed by an up-to-date and most sufficient armed force. Their will is the law for the people. In international affairs, the dictators recognise no laws and no rules of morality. Their imperialistic ambitions have today plunged the world into the horrors of most atrocious war, the world has ever known.

✓ The dictators, however, have achieved remarkable success towards increasing the welfare of their nations. They have abolished all class distinctions and united all citizens in the service of their state. They have increased the prestige and power of their countries in international politics. But due to their undue emphasis on brute force and policy of aggression, their success is bound to prove ephemeral. They have nothing of permanent value to contribute either to political philosophy or to political institutions.

Bureaucratic Government. We hear a great deal about the bureaucracy in India. It is, therefore, necessary to know something about this form of government also.

The word bureaucracy is derived from the word bureau which means a desk. Bureaucratic government, therefore, means a government by office or departments. It is a government by specially trained officers who carry on the day to day administration of the country at their desks. The government servants in this case are responsible not to those whom they govern but to their superiors immediately above them. In this government there is graduated responsibility from bottom upwards. Only specially trained and fat salaried officers can become members of this government and they form a close hierarchy.

The chief merits of this government are sufficiency

and skill in the conduct of administration. But these advantages are out-weighed by several serious defects unless their influence are neutralised by making bureaucracy responsible to popular control. The demerits of this form of government are that, it is unprogressive and conservative; it generally moves in rut or grooves. It is unsympathetic, formal and lacks the humane touch and hence resembles more a machinery. It is dilatory and works by routine method. It is characterised by red-tapism and snobbery, false sense of prestige and arrogance. It is a steel frame government and lacks that true spirit of real service for the people on which the success of a government and the welfare of the people depends.

Democracy in its direct and indirect form has already been discussed in the last few pages.

Indirect democracy may be organised in the form of a parliamentary form of government or presidential form of government.

Parliamentary or Cabinet Government. In this form of government there is an irresponsible head of the state. He holds office for lifetime or for a fixed number of years. He may be elected or hereditary.

He is, however, only a figurehead. The actual administration of the country is directed by a body of ministers known as the cabinet. This cabinet is composed of the members of the majority party in the legislature with the leader of the party as prime minister, and remains in office only so long as it retains the confidence of the legislature. In this form of government the tenure of office of the ministry, or the executive, or the cabinet, is not fixed but dependent on the will of the lower, i. e., the popularly elected chamber of the legislature. The members of the cabinet are legally and immediately responsible to this popular chamber for their official acts and policies. As soon as a vote of no-confidence is passed in the ministry, or some important measure brought forward by the cabinet for the approval of the legislature is rejected

by the House, the cabinet in a body has to resign at once and to give place for a new ministry or cabinet. It has, however, in England the power to dissolve the popular chamber and to appeal to the electorate to elect a new chamber. If the new House supports its measures, it continues in office, otherwise it resigns and makes room for a new set of ministers. The British Cabinet is the ideal type of cabinet government.

Main features of cabinet government. (1) *Fusion of Legislature and Executive.* The cabinet, as already stated, is composed of the leaders of the majority party in the legislature. The cabinet ministers have their seats in the legislature and they utilise this position for pushing on and advocating the measures they consider best for carrying on the administration of government. As a matter of fact, the cabinet is the guiding force of the legislature and the centre round which the whole administrative machinery of the state revolves. There is thus a fusion of legislature and executive.

(2) *Unity of Organisation.* The cabinet works as a body under the leadership of the Prime Minister, who is the elected head of the majority party. The unity of government is, therefore, maintained by the Prime Minister, who, as Lord Morley says, is "the keystone of the cabinet arch."

(3) *Joint Ministerial Responsibility.* This is the distinguishing and the most important feature of the cabinet government. The ministry is jointly and collectively responsible to the legislature and has to resign in a body as soon as it loses its confidence.

(4) *No Fixity of Tenure.* The cabinet has no fixed or prescribed term. It continues in office only so long as it retains the confidence of the legislature.

Presidential government. Dr. Garner defines it as "that form of government in which the executive is constitutionally independent of the legislature, as regards its tenure, and to a large extent as regards its policies and acts." In this form of government

there is no titular head of the state. There is only one executive and that enjoys real powers. The head of the state is the president, who is popularly elected by the direct or indirect vote of the people for a fixed term. For assisting him in the discharge of his duties, the president appoints some ministers to his cabinet, but these ministers are responsible to him and him alone and not to the legislature. They can be dismissed and replaced at the option of the president.

The ministers and the president do not have their seats in the legislature and they cannot advocate any measures therein. The legislature also cannot question the executive with regard to its acts or policies. Both are independent of each other. The legislature is also elected by the people for a fixed period and cannot be dissolved by the president before the expiry of its term.

Main features of presidential government. (1) *Separation of Legislature and Executive.* There is a complete separation of executive from the legislature. The business of the legislature is to make laws of executive to execute them.

(2) *No Responsibility.* The executive cannot be held liable or questioned for its actions. It cannot be dismissed from office by the legislature.

(3) *Fixed Terms.* The executive head of the state, namely, the president, is elected for a fixed term, e. g., for four years in U. S. A. In this interval he is all powerful in his own sphere of activity and the legislature cannot touch him.

Merits of cabinet government. (1) There is a close relationship between the executive and legislature and this ensures harmony between the two organs and prevents their working at cross purpose. In a presidential form of government the ministers cannot go to the congress and propose any legislation. There is, thus, always a chance of friction between the executive and legislature.

(2) It leads to greater efficiency and promptness in government action, as the ministers are the leaders of the majority party in the legislature and whatever measures they deem necessary for carrying on the administration of the country can be easily and quickly passed by the legislature. This cannot be done in a presidential government as there the executive is independent of the legislature.

(3) A parliamentary form of government is always responsive to public opinion and responsible to the legislature. This maintains the supremacy of the people in the country. A government which goes out of gear with public opinion can be easily dismissed and a new government can be substituted in its place. In a presidential form of government, on the other hand, the term of the executive is fixed and it cannot be turned out of office, however much the people may like. The executive can rule arbitrarily and despotically during its period of office.

(4) The chief merit of cabinet government is its elasticity and flexibility. In case of emergency or national crisis a ministry can easily be formed which may safely steer the wheels of state through the crisis. Under presidential system, the term of the executive being fixed, it cannot be changed under any circumstances.

Defects. (1) It is uncertain and changing and hence causes a great deal of the dislocation of public business. Sometimes with a change in government there takes place a revolutionary change in its policy, and this causes great discontentment and popular rising.

(2) It does not give effect to the principle of separation of powers. The legislative and executive functions are combined in one body. But as we will discuss later on, this is not necessary for civic liberty.

(3) It is a government by a political party or a majority only and thus intensifies the bitterness of

party spirit. Many able men who belong to the minority party are excluded from the cabinet. It means rule by a dictator or a party-caucus through a subservient majority in the legislature. Instead of parliament controlling the executive, the executive controls the parliament and makes it the instrument for registering its will.

Merits of presidential form of government. (1) It gives full authority to the executive for running the day to day administration of the country without any interference from legislature.

(2) It can work with greater promptitude and energy in administration under an able ruler. A cabinet is prevented by divided counsels from acting with the same efficiency and vigour.

(3) It is good for countries where different classes and interests predominate.

Defects. (1) There is constant danger of friction between the legislature and the executive, when the President belongs to one party and the legislature to another. At such times deadlocks arise between the two organs.

(2) The legislators do not fully understand the difficulties of executive government in carrying on the day to day administration of the country, and hence may not pass those laws with promptitude which the executive may need for preserving law and order in the country.

(3) The executive is not prone to public opinion. When once the executive head is elected, there is no constitutional means of removing him, even though his policies and acts may meet with the strong disapproval of both the legislature and the electorate.

Conclusion. Now-a-days presidential form of government prevails only in U. S. A. and some other American countries while in other countries there is a parliamentary form of government. This is a sufficient

proof of the popularity of the latter type of government.

(Federal and unitary forms of governments have been discussed in the chapter on constitution. Students are advised to read that chapter. Here we would discuss only the advantages and disadvantages of a federal form of government).

Merits of federal government. (1) It is a wonderful political contrivance for reconciling national authority with local liberty. It enables the smaller states to combine among themselves for an effective protection of the independence of their countries against an onslaught of their more powerful neighbours at the least possible sacrifice of independence. In a federation, only subjects of common interest are transferred to the control of the central authority. The federating states maintain their right of independent action in affairs of their local concern. A federation thus combines the advantages of self-government with national unity.

(2) It is based on the principle of sound division of labour between the national and local governments. This ensures greater efficiency of governmental machinery.

(3) It enables the local talent to be utilised for the purposes of administration of local affairs. The officers of the central government with their seats in the capital city cannot be expected to know much about the needs and special conditions of different local areas. Autonomy in local affairs enables the citizens to take an active and intelligent interest in matters which directly concern them.

(4) It is better suited for the successful working of a democratic government as it facilitates the establishment of democratic institutions in a widely diffused area. Federalism is based on the principle of wide decentralisation of powers. As such, it enables an ordinary citizen, living in a remote corner of the country, to assert his moral dignity and spiritual worth by taking part in the functions of governmental bodies.

(5) It is particularly suited to a big country like India or Russia or U. S. A., wherein the variety of local conditions and problems demand different treatment. It enables uniformity of legislation, of policy, and administration, in matters where this is desirable and diversity where this is desirable on account of different conditions and standards which prevail in different parts of the country.

(6) It enables the federating states to develop their economics with greater advantage.

(7) It secures greater international prestige to the component states in the diplomatic world. Today, U. S. A. is considered to be the most powerful nation in the world because it represents unity of 48 states.

(8) It is a preliminary to the idea of the formation of a free federation of the free nations of the world which is considered as the goal of all democrats. It has thus a bright future before it.

Defects. A federation is, however, not without its defects. Lord Bryce sums up the defects of a federation as follows :—

(1) Its weakness in the conduct of foreign affairs.

(2) Weakness in home government, that is to say, deficient authority over the component states and the individual citizens.

(3) Liability to dissolution by the secession or rebellion of states.

(4) Liability to division into groups and factions by the formation of separate combination of the component states.

(5) Want of uniformity among the states in legislation and administration.

(6) Trouble, expense and delay due to the complexity of a double system of legislation and administration.

Thus we find that the greater defects of a federation arise from its division of powers amongst the contracting parties. The unity and strength, promptness and efficiency, present in the working of the government machinery of a unitary state is absent in a federation. In a federation, there is dual loyalty and duality in administrative machinery. This means that the government of a federation is more expensive than of a unitary state. Again, in a federation there is heterogeneity of laws and policies and this causes a great confusion in the mind of the average citizens. The division of powers between the central and the local organs also leads to constant disputes of jurisdiction which need reference to a federal court.

Future of federalism. In spite of all these defects of a federal form of government, the idea of federation is becoming more and more popular in the democratic world of today. It is on the basis of this principle alone that the democrats seek to realise their goal of establishing a parliament of man and federation of the world. It is the practical application of this principle which will help the world in solving all its problem of inter-state discord, rivalry, wars, exploitation and aggression.

Federation distinguished from a Confederation. A confederation is a much looser form of union than a federation. In a federation, the component units when once united to form a union, lose their sovereignty and have no right to withdraw from the federation. In a confederation, on the other hand, the component states while combining together to form a union, for the attainment of some common objectives, do not lose their sovereignty and have a right to withdraw from the confederation whenever they please. A confederation is the first stage towards the development of a full federation. The American and the Swiss constitutions were first framed on the lines of a confederation but later on with the development of national feeling, they assumed the character of a federation.

Merits of unitary government. (1) Complete uniformity in the matter of law and administration is maintained in the case of a unitary constitution. Hence the citizens of the state, who are all governed by the same set of laws and rules, develop closer bonds of unity and are merged together to form a vigorous nation.

(2) In the case of the unitary constitution, all authority emanates from the same central source. There is thus no conflict of powers or jurisdiction between the different administrative units, as generally happens from a division of powers between the component states of a federation.

(3) In a unitary constitution, all the powers and authority of the government are concentrated at one single centre. A greater efficiency is thus ensured in the preservation of law and order, conduct of foreign affairs, and prosecution of war.

(4) It is more simple in organisation and works with greater speed.

(5) It is more economical than a federal government, since it avoids the duplication of central and local authorities and services.

Defects. (1) It burdens the central government with a volume of legislative and administrative work concerning affairs of purely local concern, which can best be performed by people living in these localities. It thus denies the people the advantages which accrue from the institution of local self-government.

(2) According to Dr. Garner, unitary government tends to suppress local initiative, discourages rather than stimulates interest in public affairs, and impairs the utility of local governments. It deprives the people of all initiative and freedom and makes them completely dependent on the central government.

(3) Democracy implies a wide diffusion of power, to enable every man to take an active and sustained

interest in the affairs of the government, local, provincial and national. In a unitary constitution, there is concentration of authority at one single centre. Hence, it is unsuited to the development of democratic institutions.

(4) A unitary constitution suffers from the evil of rigid bureaucratic system. It develops a policy of routine and discourages experiments to meet local needs.

The Case for India. There are some people who hold that the greatest need of India being the preservation of national unity and an ending of all disruptive forces present in the body politic of this country, a unitary form of government is best suited to this land. Federation results in the splitting up of a country into too many provinces, each particular group of people with its separate culture, language, customs, etc., claiming for itself the right to establish a separate province, and thus national unity is lost and people begin to think in terms of their locality and develop narrow instinct of provincialism. Further, federation gives rise to too much duplication of administrative machinery and is therefore found to be extremely costly and hence unsuitable for a poor country like India.

There are other people who hold that India should have a federal constitution. It is such a vast country and the provinces composing the national state of India are so big and self-sufficient that the whole of India can be split up into number of smaller component states. Moreover, the different existing provinces have so many diversities, different dialects, varieties of written and spoken languages and different economic problems, that a federal government is best suited to the peculiar conditions of this country. The existence of as many as 562 native states, big and small, also, favours the formation of a federation as they cannot be persuaded to accept a unitary government in a free India.

Test of a good government. We have discussed the

various forms of government prevailing in the different countries of the world. All these different forms have their merits and defects. It cannot be said very definitely which form of government is best suited for a country, unless we take into account the peculiar conditions and circumstances of that country. There is no particular form of government which can suit all conditions and types of social organisations.

Different types of government satisfy different needs and purposes. Monarchical form of government is best suited for backward countries where political consciousness in the people is not fully developed. Democracy is suited for a country where the level of general education is sufficiently advanced and where the people are imbued with a correct understanding of their rights and duties. Parliamentary form of government is suited for a country which possesses in the main, two political parties and where there are no serious dissensions in the body politic of that land. Presidential form of government is suited for a country where different classes and interests predominate. Dictatorship may suit a country as temporary arrangement to tide over some period of national crisis or to conduct a war. Federal form of government is best suited for countries which desire national unity with the maintenance of local autonomy. Unitary government is suited under different conditions.

We cannot, therefore, lay down any definite standards to determine the goodness of a government. Some writers like Pope say, that, that government is the best, which is best administered. In our opinion, efficiency of administration alone is not the only criterion or a test of good government. It is true that a government in order to be good must discharge its responsibilities of maintaining peace and order and justice in society properly. But the real worth of a good government depends on its capacity to foster these intellectual and moral qualities among the citizens on which all human progress and social harmony depends.

TEST QUESTIONS

1. Discuss Aristotelian method of the classification of states and point out its defects.
2. What are the advantages and disadvantages of monarchical form of government?
3. What do you understand by Aristocracy? What are its various forms? How far are Aristocratic forms of government found in the modern world?
4. What is meant by Democracy? Discuss its merits and demerits. (U. P., 1931, 1937, 1939)
5. What are the conditions necessary for the successful working of a democratic constitution? How far are these conditions to be found in India? (U. P., 1930, 1933, 1934, 1938)
6. Compare the merits and demerits of federal and unitary types of the constitutions. Which type would you prefer for India and why?
7. What are the distinguishing features of a Cabinet and Presidential form of government? Discuss their comparative merits and demerits.
8. Describe the important forms of government found in modern times and discuss their merits and defects. (U. P., 1935)
9. Give an account of the different forms of government which are to be found in the world of today. (U. P., 1938)
10. What do you understand by Initiative, Referendum, Recall and Plebiscite? Explain clearly.
11. What are the chief forms of government and why is democratic government generally preferred? (U. P., 1930)
12. Define democracy and point out the part played by freedom of speech and freedom of press in a democracy.
13. Describe the different types of executive in federal and unitary forms of government. (U. P., 1934)
14. Describe the chief features of a parliamentary form of government. Why are political parties necessary for its success? (U. P., 1940)

CHAPTER XIII

NATURE, END AND FUNCTIONS OF THE STATE

§ 1. NATURE OF THE STATE

State, both artificial and natural. The question is sometimes asked whether state is natural or artificial, or in other words, whether it is made by God or man. Really speaking, the state is neither a divinely created institution nor a deliberate work of man. It comes into existence unconsciously as the result of a process of natural evolution.

But it can be said to be natural and artificial both on other grounds. Man by nature loves law and order. He hates anarchy and disturbance. For the development of his personality also, law and order are absolutely necessary. The state is, therefore, ingrained in human nature. It creates and maintains liberty. It is the source of all rights and the enforcer of all obligations. It is necessary for the development of culture and civilization. Man cannot live outside the state. Just as water is absolutely essential for the fishes in the same way state is necessary for man. It came into existence with man. It is as old as human society. In the original stages when man was uncivilized and barbarous the form of the state was very crude. Later on with the development of civilization the state also became more perfect in its organization. It has not yet attained its ideal and is still in the course of evolution. In this sense, it may be said that the state is natural.

The state may be said to be artificial on another ground, i.e., the form of its government which is determined by man. All citizens living in a state collectively decide what form of government they would like to establish in their country, parliamentary or presiden-

tial, unitary or federal, dictatorial or democratic and so on.

In the above sense we may say that the state is both natural and artificial.

§ 2. THE END OF THE STATE

There are two important views about the end of the state. One school believes that the state exists to fulfil its own ends. The citizens of the state exist for it, not it for them. This view of the end of the state is based on the assumption that the state is an organism having a life and purpose of its own. We have discussed before the organismic theory of society. This theory is applied by this school to prove that the state is an organism. Once this is accepted, it naturally follows that the state exists for its own sake and uses the individuals to achieve its ends. The state determines for the individual every part of his life and activity. The individuals can have no rights against the state. In fact, the individual exists for the state, not the state for him. The advocates of this view, however, differ about the end of the state. Some of them believe that the end of the state is *expansion* of its power, *i.e.*, the conquest of empire. Others believe that the state is a moral organism and its aim is its own moral perfection.

This view, however, is not correct because it rests on an assumption that state is an organism. The state has some points of resemblance to an organism but there are also vital differences between the former and the latter. All this has been discussed in detail in the chapter on society.

Another school makes the state a mere agency which individuals have set up for their happiness. The state, in other words, exists not for its own sake, but for the sake of the good of its individual members. This view is based on social contract theory and contains great element of truth because ultimately the individual is the primary fact of life. It is he who feels,

reasons and acts. But this does not mean that one individual can claim that the state exists for his particular ends. The state exists not for the particular end of individuals but for those interests only which are for their common good. The common good is permanent and the state as its custodian can ask an individual to sacrifice his interests for the sake of common good. It is in this sense that we can speak of the state having a superior end to that of a particular individual. But the fact remains that the good it has at heart is not its own good but the abiding good of its members taken as a whole.

§ 3. THEORIES OF STATE FUNCTIONS

The precise character of the functions of state has differed from time to time according to the ideas and requirements of the community and the influence of environment. In olden days the functions of the state were quite different from those that are performed now-a-days. Then the regulation of religious beliefs and cultural rights of the people were considered as essential functions of the state. Besides, their other functions were very limited. They performed only those functions which we now call as essential or constituent. The actual functions of the state, therefore, differ according to the time, age and ideas of the people. There are mainly three theories about the functions of state, namely, (1) Individualistic, (2) Socialistic and (3) Idealistic.

The Individualistic or laissez faire theory. The French phrase *Laissez Faire* means leave alone. According to this theory the individuals should be left to themselves for managing their own affairs, and the government should not interfere with their activities. It regards the state as a necessary evil. State exists because crime exists in society and if this could be eliminated there would be no necessity for state. The state exists for protecting the life, liberty and property of the individuals and if, as Herbert Spencer says, the state could preserve peace, punish crimes and enforce

contract, its functions would be completely exhausted. The state thus, according to the individualists, is primarily a military or police organisation. It does not exist to promote the welfare of the individuals. Its function is to restrain any undue encroachment on the liberty of individuals and not to promote or direct their welfare. The individualists, therefore, condemn government management of schools and colleges, libraries or museums, hospitals and asylums, parks and playgrounds, and all laws imposing restraints on trade, industry and social habits of the people.

Development of the Theory. This theory was developed during the later part of the 18th century as a reaction against the evil effects of excessive interference by governments in Europe. Adam Smith, Ricardo, Malthus, Kant, Spencer and Mill have been the great exponents of this theory.

Defence of the Theory. The theory is supported on three main grounds.

(1) *Ethical.* It is said that man requires freedom for the development of his personality and character. Freedom develops in man the capacity to act and think independently and creates in him the habit of self-help and self-reliance. Paternalism retards the development of his character, crushes out his individuality and originality, and checks his growth. The individual is ultimately left as a parasite on the state. Thus not only the individual but also the society suffers in its growth and development. It is, therefore, desirable on moral grounds that the individual be left alone.

(2) *Economic Ground.* Trade and industry prosper best when left to private enterprise under free competition. In an open market all the factors of production, namely, land, labour, capital and organisation, adjust themselves to the forces of demand and supply. Prices are the cheapest and production the greatest under conditions of free competition. The state must not impose any restrictions on the trade and commerce

of the country by levying import or excise duties or granting subsidies or passing factory acts or regulating prices, etc.

(3) *Scientific Ground.* It is based on the biological principle of the struggle for existence and the survival of the fittest. This law operates in the case of lower animals and hence this should also operate in the case of man. Herbert Spencer who was the main exponent of this theory held it necessary that the weak and the unfit be eliminated from human society, as they act as a drag on social progress, and only the strong and fit classes survive. Only then the society as a whole will benefit and emerge out strong and glorious.

For all these reasons, the individualists maintain that the state should not interfere with the liberty of the individual unless he becomes a social menace and then also for the purpose of curbing his anti-social tendencies. This view is severely criticised on various grounds.

Criticism of the theory. (1) The theory rests on the assumption that each individual has a separate entity and has nothing in common with his fellow-beings. He has interests distinct from those of his associates. Such a view is absurd on the very face of it. Man by nature is a social animal. He has his existence in society. Apart from it he is a cipher. The welfare of the individual is integrally connected with the welfare of society and the state. An individual has the instincts of social service in him but the individualists consider all persons as essentially selfish.

(2) The state is not an evil but a positive good. It exists for promoting the welfare of the society as a whole. It not only protects life, liberty and property but also provides all those positive conditions of life under which a man can seek the highest development of his personality.

(3) Every individual does not know where his best interests lie. There are many persons who are led

astray by the craftiness, cunningness, deception and misrepresentation of bad characters. The state must protect the individual against all such dangers.

(4) The individualists have a false notion of liberty. They consider that liberty and restraint cannot go together; the state is antagonistic to individual liberty: All this is now proved to be false. Liberty is now considered as a positive condition of the enjoyment of rights and not as absence of all restraints. Liberty is preserved best only in an atmosphere of restraint. The state by putting some restraints on the freedom of action of some individuals protects the greater liberty of all individuals.

(5) Spencer says, the function of the state in negative regulation and not positive control. This is illogical. If the state is justified in punishing a person who spreads some contagious disease, it can certainly take precaution against the spread of the disease.

(6) The theory of individualism when applied to the economic field has been responsible for the starvation, low wages of workers, long hours of work, insanitary conditions, spread of disease, cut-throat competition, dishonest practices and exploitation of women and children. It has played the greatest havoc in this field. It is not a guarantee but the grave of individual liberty. It led to the creation of monopolies, trusts, combinations and cartels in the business field and thus suppressed the interests of consumers. All this is a sufficient condemnation of the theory.

(7) The theory of survival of the fitness does not connote anything definite. What does fitness mean—monetary power or intellectual fitness or moral superiority. The strongest does not always mean the best. As Dr. Leacock points out "If the sole test of fitness consists in the act of survival, then the prosperous burglar becomes an object of commendation and the starving artisan an object of contempt." The theory not only precludes humanitarian activity by the state, but

also condemns private charity, private aid to the poor and private relief of distress. All that is noble and generous would be crushed out of social life and man would be concerned solely with his own selfish interests, irrespective of the regard for others. The women and children are the weakest links in society. The theory, if strictly applied, would aim at their extinction.

Conclusion. All these arguments have fully exploded the theory of individualism. It now stands discredited and is in great disrepute. Gilchrist, however, says that the theory has served a useful function also. In times when there was frivolous governmental interference with the liberty of individuals, it combated this tendency; it has destroyed the useless laws of the state, emphasised self-reliance and established the worth of individual in society.

As a reaction to this theory, the modern political philosophers evolved the socialistic theory of state functions. This theory goes to the other extreme and exalts the state at the expense of individual liberty. It advocates maximum state control of individual activities. It regards the state as the only means of bringing about a more equitable social and economic order which would ensure to each person a full opportunity to develop his personality. The socialists maintain that individual freedom can only be maintained in a society which is so organised that each individual, being freed from the material cares of existence freely co-operates with his fellows in insuring the means of a good life.

Socialism. The subject-matter of socialism is so vast and complicated that nothing but a brief and incomplete summary can be given of this important theory.

A sombre philosophy and an irresistible influence was given to socialism by its greatest exponent, Karl Marx, a German political philosopher. The movement also owes a great deal of its development to the rise of a proletarian class in Europe, following

the development of industrial revolution.

Socialism conceives of a new society based on justice, freedom, equality and comradeship. It aims at a new social order based on morality which recognised communal service as the chief duty of all its members. It is an effort to make the common good the aim of personal virtue and effort. It is the practical expression of one of the essentials of Christianity, namely, the brotherhood of man. It is the organisation of society on the basis of natural service. It is not a social system in which people starve in the midst of abundance, freeze in the biting cold or buried down deep under snow for want of a shelter. It implies such a control of the production and distribution of wealth, as will enable the average citizen to have access to the resources, material and spiritual, which will enable him to be himself at his best.

Socialism may therefore be defined as theory or policy of social reconstruction which aims at the control of the means of production, capital, land, property, etc., by the community as a whole, and their administration and distribution in the interests of all.

All socialists, to whatever school of thought they may belong, emphasise four things.

(1) Abolition of private ownership over the means of production like land, mines, factories, etc., and means of distribution and exchange like shops, stores, railways, ships, Banks, Insurance companies etc., and their control by the state.

(2) Substitution of private profit motive by the principle of social service.

(3) Determination of the extent of production not by anticipation of profit but by consideration of social need.

(4) Substitution of co-operation and planned production for competition and haphazard production. The socialists feel that a great deal of the energy of the

producers, under capitalistic system, is wasted in fighting among themselves in cut-throat competition. If instead of this private war, there was a sensible arranging of production and a well thought out distribution, society would be far better off, waste and useless competition would be avoided and the present great inequalities between the different classes and people would disappear.

The ideal of socialism being the same for all, socialist thinkers, difference of opinion exists among them as to the form in which public ownership and control should be exercised and as to the method of achieving the ideal. Some socialists, specially the Fabians and evolutionary socialists believe that the change towards socialism must be gradual and constitutional, by working through parliaments. The others, specially communists, syndicalists, etc., believe in a revolutionary programme and they aim at establishing a socialist state by destroying the existing social order. These latter socialists are generally known as Marxists, and their creed is now the most popular specially after the success of the Russian revolution.

It must be understood at this place that socialism does not aim at the abolition of personal property altogether, or at the distribution of equal wealth or equal income amongst all people, at least in the initial stages. Personal property for the use of individuals is allowed even in Russia. There, persons can own a bungalow, a car, a park for their personal use, but they are not allowed to own property for the exploitation of others or for the purpose of securing unearned income with its help. Private property is permitted for use, but abolished, if meant for the exploitation of others. Similarly, in a socialist state, people are allowed to get wages according to the work. There may be differences in salaries but they are reduced to the minimum.

Value of Socialism. Socialism is a revolt against the existing order of things in society. It condemns capitalism which is responsible for the enslavement

and degradation of the millions of labourers and peasants who work, till, toil and perspire from morning till evening and yet remain starved. It is a revolutionary doctrine which aims at planned economy and careful production on a nation-wide scale. It avoids duplication over production, unnecessary advertisement and economic crisis. It is based on the sound principle of social service. It lays emphasis on altruism and a love of activity for its own sake. Socialism as followed in Russia has been responsible for the regeneration of that country and its emergence from the spell of mediaeval darkness in which it was steeped hardly two decades ago.

Criticism. Some writers, however, criticise the doctrine of socialism for the following reasons :

(1) Individual initiative and enterprise which is so necessary for the progress and economic development of a country is discarded in socialism. This will make people apathetic towards work and economic activity owing to its denial of the right of private property. The people would become lazy, inactive and ultimately prove to be parasites on the state,

(2) It places too much power in the hands of the central executive of the state. It is just possible that these persons may use their power for their own glory and thus exploit the whole body of people in a country.

(3) The government with such a huge responsibility over its head, would prove inefficient in its working. It would create an overwhelming bureaucracy which would regulate and control all departments of human life.

(4) Socialism represses individuality. It makes him a slave of the community without any initiative, responsibility and sense of independence.

(5) It rests too much on violence.

In spite of all these criticisms the movement of socialism has come to stay in the world. All the states now recognise the necessity of greater control over the

economic and other activities of the people for the larger benefit of the community.

The management of railways, posts and telegraphs, wireless, radios, electricity, gas, banks and other economic institutions is being taken up by the state. The system of progressive taxation, death duties, succession tax, income-tax, etc. is levelling up the differences in the various classes. All this is a recognition of the fundamental laws of socialism.

The idealistic theory of state functions. This theory starts with the assumption that the state is essential for the realisation of the highest possible good life of the individuals. It is only within it that the individual can have the conditions for acting as a rational and moral creature. The idealist, thus, does not consider the state as a necessary evil but as the best friend of man.

The State Cannot Promote Morals. The state, however, acts through force and compulsion. It cannot, therefore, directly promote the moral life of the individuals. This is so because moral life is a matter of one's will. It cannot be imposed by means of compulsion. An enforced act can never be moral, because it is not the act of the doer, but of one who compels him to so act. It is only when I act according to my own will, that it can be said that I am acting. It, therefore, follows that I can be said to be doing good when I do it voluntarily. The state cannot, therefore, compel man to be moral. It cannot also enforce truth-telling except in matters of giving evidence before court and lodging reports with the police. It is a virtue pertaining to the inner side of life and therefore beyond the purview of the state which deals only with external human actions.

It Can Hinder Hindrances to Good Social Life. The state can, however, fulfil its moral function by removing those obstacles which prevent its citizens from being moral. It can, in other words, hinder hindrances to a moral career of man.

It Can Remove Illiteracy, Poverty, the Drink Evil, Social Evils, etc. All these evils prevent individuals from being moral and hence it is the duty of the state to remove them from society. An uneducated person does not know his rights and duties, nor does he know the true means of realising them. A child, if he remains illiterate, can never reach his highest perfection. It is, therefore, the duty of the state to undertake compulsory primary and secondary education. Similarly, poverty renders a man incapable of enjoying his rights. He remains subject to the haunting fear of starvation. He cannot think of giving his time to cultural pursuits. His and his children's bodies remain stunted, their minds darkened and their spirits unawakened. It is the duty of the state to guarantee him that economic minimum which is necessary for the satisfaction of his reasonable wants provided he is willing to work. The same considerations apply to such questions as drink evil, child marriage, purda system, enforced widowhood etc. All these evils are a blot on the character of society and prevent the development of good social life. As such, the state should undertake to remove them.

State Not To Undertake Economic Activities Directly. The idealist, however, would not do anything which goes beyond the removal of obstacles. He is not prepared to permit the State to undertake such economic activities as the control of mines, production of commodities, etc. He leaves this sphere to individual initiative. This does not, however, mean that the state is to follow a policy of complete non-intervention in industrial matters. On the contrary, the idealist provides that the state is to secure those conditions of industrial life which are essential for the good life of the workers. The state can enact factory laws, workmen's Compensation Act, etc., for these purposes. The state cannot directly manage the industries because this is not necessary under its main purpose, which is hindering of hindrances.

The idealistic theory thus occupies a middle position

between the two theories given above. It maintains both individual liberty and collective action—the latter to see that the individual gets conditions of highest good.

Criticism. The critics assert that there is no necessity of confining collective action merely to the maintenance of the conditions of good life. It can go further without any risk to good life. There is no limit to the condition of the highest good of the individuals. No *a priori* limit can, therefore, be set to state functions. The state can and should do anything which is likely to promote the general welfare. In each case it is to be seen whether state management would be useful or not and if the answer be in the affirmative the state can undertake it.

The modern theory of the functions of state. The state being an institution for the provision of conditions under which individuals can develop their personality upto maximum limits, it follows that the state can and should do everything which is likely to help it in the realisation of this object. The state in the first place should maintain peace, order, security and justice in society because without these no peaceful existence and civilised life is possible. In the second place, it should hinder hindrances to good social life like illiteracy, poverty, disease, drink habit, etc. In the third place it should perform all those functions which are likely to make human life more healthy, cultured and purposeful. It would thus appear that the modern theory accepts the good points contained in all the three theories discussed above. The individualists view-point is accepted inasmuch as that, the state should not interfere too much with a person's liberty of action. It must allow him full scope for the best utilisation of his faculties and capacities and the exercise of initiative. The socialist point of view is accepted inasmuch that the state is not considered as merely a police organisation but as an instrument, for the perfection of national life, the development of national wealth and well-being, and the promotion of

morality and intelligence in the citizens. The idealists' view-point is accepted inasmuch as that one of the very important functions of the state is considered as hindering of hindrances to good social life.

§ 4. ACTUAL FUNCTIONS OF THE STATE

Classification of functions The functions exercised by modern states may be classified under two heads, (1) Essential or constituent or compulsory; and (2) optional or ministrant.

Essential functions. They include those functions which are essential for the existence and continuance of the state. Every state, however backward, is bound to perform these functions. They are the following:—

(1) *Protection of Country Against External Invasion.* This is secured by maintaining a well organised army, navy and air force within the country.

(2) Maintenance of internal peace and order through prevention of crimes, protection of property against violence and robbery, safeguarding of individual liberty, suppression of riots and communal outbreaks. The government has to maintain a strong police force for the attainment of this objective.

(3) Administration of justice between individuals and individuals and between individuals and the state. This function is performed by the organisation of law courts, civil, criminal and revenue.

(4) Some writers also prescribe fourth essential function to the state. It consists in the fixing of legal relations between husband and wife and between parents and children. Sometimes the regulation of contracts, transmission and interchange of property, and the determination of its liabilities for debts, etc., are also induced under this heading.

Gettel adds one more function to the above list, namely, Financial, which consists of the imposition of taxes, regulation of tariffs, liquor, coinage and currency, administration of public property such as land,

forests and buildings, and of state monopolies like posts telegraphs, railways, etc.

Optional functions of the state. Under this head are included all those functions which promote the welfare of the individual, increase his culture and make his life more happy and tolerable. They depend on the outlook of the people and the aim of the rulers. These functions include those activities which if left to individuals would not be performed at all or performed badly and unefficiently. Such functions are the following :—

(1) *State management of large scale enterprises* like the railways, roads, posts and telegraphs, hydro-electric power, broadcasting, etc. The management and control of these enterprises rests in the state in almost all the civilised countries of the world. It is beyond the capacity of individual entrepreneurs to manage or finance these big concerns. Moreover, these public utility concerns are the main organs for carrying on the trade and commerce in a country; if controlled by private interests or companies, they may be so misused as to prove highly detrimental to the interest of the consumers and the general public.

(2) *State Management of Certain Industries.* The government sometimes directly takes up the management of certain industries for fiscal reasons, e.g., manufacture of salt, etc., and of others for social reasons, e.g., manufacture of liquor, opium, narcotic drug etc. The first kind of industries yield a very handsome income to the government and hence they are controlled by the state. The second kind of industries are controlled by the government to avoid the misuse and excessive consumption by the public of substances prepared in these concerns.

(3) *Helping Trade and Industry.* One of the main functions of the state now-a-days is to help in the development of the economic resources of a country. This can be done by regulation of imports and exports, grant of protection, imposition of tariffs against imports,

grant of subsidies, opening of industrial research centres, conclusion of international trade agreements, appointment of trade commissioners, holding of fairs and exhibitions, provision of technical education, etc. Most of the states, now-a-days, perform this important function to help the development of trade and commerce in their country.

(4) *Regulation of Labour.* In order to protect the labourers against the exploitation of big capitalists and landlords, the state passes factory acts, minimum wages acts, etc. The conditions of work in the factories and fields are improved with the help of these acts and labourers are provided with adequate remuneration for their work. Trade Union Acts, Arbitration Acts, etc., are also passed for the same reasons.

(5) *Care of the Poor and Incapable.* In this field, the state supplements the activities of philanthropic associations and private individuals by opening work houses, poor houses, lunatic asylums, blind-houses, reformatories, hospitals, dispensaries, etc. Sometimes it provides doles to unemployed and enforces schemes of old age pensions, compulsory accident insurance, etc.

(6) *Banking, Currency and Coinage.* In all the states the government manages and issues currency, maintains the exchange ratio, and exercises some control over the banking institutions of the country, specially through the constitution of a Reserve Bank.

(7) *Sanitation and Health.* The state makes arrangements for the proper cleaning of roads and other thoroughfares, the prevention of diseases and epidemics, control of the sale of food-stuffs, enforcement of food adulteration acts, medical inspection of children, etc.

(8) *Education.* This is one of the most important duties of the state. The state must provide not only general education to the citizens but also vocational. Illiteracy of the masses is the greatest blot on the character of a nation. Education is necessary not only for the welfare of individual but also for the

safety and progress of the state.

(9) Agricultural improvement and village reconstruction.

(10) Economic regulation of land tenures, inheritance, succession to property, etc.

(11) Control and regulation of private monopolies, trusts, cartels.

(12) Provision of recreational facilities like parks, play-grounds, public baths, cinemas, radios, dancing halls, etc.

(13) Survey of the industrial resources of the country.

(14) Social reform to remove long standing abuses like child marriages, *sati* system, etc.

(15) International affairs, appointment of diplomatic agents, councillors, etc.

(16) Census.

Conclusion. As a matter of fact no exhaustive list of these functions can be drawn up. The state must aim at providing all those conveniences and facilities of citizens which are likely to increase their total welfare. It is also very difficult to distinguish between the scope of the essential and optional duties of the state. Duties which till yesterday were regarded as optional are now regarded as compulsory and thus the scope of the latter kinds of duties is increasing daily. The difference between the two kinds of duties is merely one of degree rather than of kind. The optional duties are now considered essential for the existence and the progress of the state just as much as the compulsory ones.

Some writers suggest that optional duties can be divided into two parts, socialistic duties and non-socialistic duties. According to them the socialistic duties are those which can be left to private enterprise, but which are usually undertaken by the state in order to

avoid the evils of private control or on account of the greater efficiency of governmental agencies in those fields. Such functions are : the construction of railways, posts and telegraphs, irrigation works, municipal control of water, gas, electricity, etc.

Non-socialistic functions are those which if not undertaken by the state are not likely to be undertaken at all, *e.g.*, sanitation, lighting maintenance and construction of parks, libraries, etc.

TEST QUESTIONS

1. Is state an end or a means ? Discuss this statement fully.
2. What is the nature of the state ? What is the true relationship that must exist between an individual and the state ?
3. What are the various theories about the functions of the state ? What is the modern theory ?
4. What is the end of the state ? By what means does the state realize its end ? (U. P., 1932)
5. Give an account of individualistic principle of state activity and criticise it. (U. P., 1942)
6. How far and in what ways can the state promote the material welfare of its people ?
7. What are the chief functions which in your opinion every government should perform ? (U. P., 1928)
8. State the views of the individualistic and socialist schools regarding the functions of state. (U. P., 1939)
9. What are the main functions of a modern state ? What kind of state can perform them most efficiently ? (U. P., 1937)
10. Explain the theory of socialism. Discuss its merits and demerits.
11. Explain the principles according to which you will determine the function of state. Can the state enforce temperance, truth-telling, sanitation and literacy ? (U. P., 1938)
12. The state is both artificial and natural. Explain and discuss. (U. P., 1938)
13. How far is it the duty of the state to remove poverty, disease and ignorance, and to promote religion and morals ? On what principle are the duties of the state fixed ? (U. P., 1935)

14. How far is the state justified in removing social evils like drink and early marriages by legislation ? (U. P., 1930)

15. Do you consider it the necessary duty of a state to make education free and compulsory and to make provision for health and sanitation ? If so, what are your reasons ? (U. P., 1933)

16. What are the principal functions of a state ? Is it the duty of the state to make men moral ? (U. P., 1934)

17. How far and in what way can the state promote industry, commerce and the material welfare of the people ? (U. P., 1934)

18. Describe the various functions which modern states perform. Which of these functions do you consider most important and why ? (U. P., 1941)

CHAPTER XIV

THEORY OF SEPARATION OF POWERS AND ORGANS OF GOVERNMENTS

§ 1. SEPARATION OF POWERS

Government, as has already been explained in a previous chapter, is the agency of the state for maintaining law and order in society and for promoting the good life of the people. It is a necessary condition of civilised life. It consists of three organs—Legislature Executive and Judiciary. The first organ formulates the will of the state in terms of laws, the second executes them and the last interprets laws, and applies them to existing cases. We will enter upon a detailed discussion of the functions, etc., of these organs, later on in this chapter. Presently, we would determine the relationship that these organs should bear to each other. The most important theory which we would discuss in this connection is known as the *theory of separation of powers*.

Statement of the theory. Aristotle, and later on Montesquieu and Blackstone, in the 18th century were the great exponents of this theory. Stated in simple language the theory states that for preserving human liberty, the legislative, executive and judicial functions of the state, must be entrusted in the hands of three different body of persons, each independent of the control from the other. Each department should be limited to its own sphere of action, and within that sphere should be independent and supreme.

If the legislative and executive powers are united in the hands of a person or body of persons, the same monarch or senate will be able to make any kind of tyrannical laws and enforce them in the most tyrannical way. If the judiciary were joined with the legisla-

ture, the life and liberty of the subjects would be exposed to arbitrary control, for the judge would then be the legislator. If the judiciary were joined with the executive, the judge would then have the force of an oppressor. If all these three powers were to be combined in the hands of the same person or body of persons, there would be an end of all justice and liberty. The sufferer would not then be able to secure any justice as he would not be able to appeal to any body or to any law court, which may secure him protection against the tyranny of the government. He will be at the complete mercy of his rulers and will have no liberty of his own.

If these three powers are exercised by separate set of individuals it would not be possible for any one of these organs to act arbitrarily or tyrannically because the sphere of each would have become distinct. The individual would then be able to secure the protection of the judiciary against the arbitrary acts of the executive, and will be able to secure good laws from the legislature.

There is another reason which may be urged in support of this theory. It is that each of three functions of the government requires distinct set of qualities and character among those who are to exercise them. A police man has to enforce law and maintain peace and order in the society. He must be able to act quickly and with vigour. A judge on the contrary has to interpret the law. He must possess the qualities of deliberation and cautiousness. We thus see that the qualities required by a judge for the due discharge of his duties are quite different from those required by a police constable. A police man cannot, therefore, be a good judge; or a judge, successful police man. It is essential for this reason that the three functions of the government be entrusted to distinct and separate bodies of men.

Criticism. The theory stated above has been severely criticised on the following grounds :—

(1) The government is an organism like the human body. Its work is so interconnected that each function affects the others. We cannot, therefore, effect watertight compartments between the three functions. If we make this attempt we will fail or the efficiency of the government would suffer.

(2) For the harmonious working of a governmental machinery, it is necessary that there must be mutual consultation and intimate contact between the different organs of government. Otherwise deadlocks are bound to arise between the three organs at every stage.

The executive, for example, may desire the raising of some funds to carry on the war, the legislature may refuse to sanction that expenditure. The result of such a conflict would be that the government would come to a stand-still.

(3) The complete separation of the judiciary from the executive and the legislature involves that the judges be elected. This might mean the election of bad persons for discharging the difficult duties of judges. Again, it exposes the judges to the mercy of election agents and the vote of majority. This theory, therefore, fails in its extreme form.

(4) Even in the American constitution, which was framed on the principle of separation of powers, it has not been found possible to keep the three powers entirely distinct and separate. In the limited sphere in which the theory has worked, it has proved harmful in actual practice.

(5) Complete separation of powers is not necessary for civic liberty as liberty depends on the spirit in which the constitution is worked and not on a mechanical separation of powers. In England there is greater liberty than in any other country of the world, in spite of the fact that there the executive and the legislature are not separated from each other.

(6) The theory makes the three organs equal and co-ordinate in power. In fact it is not so. The legisla-

tive department of the government is the most powerful of the three, as it expresses the will of the state in the form of laws which the judiciary interprets and the executive enforces. It also controls the other departments through its power over the purse.

Justification of the Theory. The theory, however, asserts the plain fact that some separation of powers between the three organs of government is both necessary and desirable, for maintaining the efficiency of all the three organs of government. If all powers are concentrated in the hands of the same person or body of persons then not only there is a danger of liberty being crushed, but further, there is loss of efficiency by too much work being thrown on the same authority or body of persons. Separation of powers introduces a valuable check against the misuse of power by its various parts. The theory is not true in its extreme form. But it points out the desirability of maintaining, in some form or the other, the independence of the three organs of the government and in emphasising the undesirability of one department usurping all the functions which properly belong to the others.

The modern modification of the theory of separation of powers is the theory of checks and balances which states that though distinctive functions should be performed by each organ, yet each organ should check and balance the powers belonging to another. Thus though the legislature exists to make laws for the good government of the country yet it does not mean that it should have no relation with the executive. The executive must have the following powers of control over the legislature.

(1) It must be able to introduce the necessary legislative measures required by it to carry on the day to day administration of the country, in the houses of legislature. It must also be able to defend those measures on the floor of the house.

(2) It must have some restricted power of vetoing the measures of the legislature..

The recognition of both these principles is necessary to ensure the passage of essential laws and the stopping of harmful measures.

Again, there must be a distinct executive body for the enforcement of laws. But this also does not mean that the legislature should have no relation to the executive. On the contrary, the legislature should be authorised to exercise the following powers over the executive :—

(1) It must be able to question the executive regarding the extent and the method of the enforcement of laws. This is necessary to prevent the executive from acting arbitrarily.

(2) It must have the power, by way of dismissal or otherwise, of enforcing the will of the citizens on the executive government. It is again necessary to keep the government subject to popular control.

Again, there must be a distinct body of persons to administer justice. This body must consist of persons who have no position in the legislature or the executive. But this also does not mean that the judiciary should have no relation with the executive or the legislature.

The judiciary in a country, generally, has the authority to declare the constitutionality or otherwise of the laws passed by the legislature. The legislature, in its turn controls the judiciary by determining the composition, powers, functions and qualifications of the judges.

The judiciary controls the executive by sentencing or acquitting the persons, brought forward for trial, by it before the judiciary. The executive, in its turn, controls the judiciary by its power of appointment of judges and by its control over the execution of decrees, passed by judiciary.

The executive and judicial powers should, however, under no circumstance, be combined in the hands of the same body of persons.

Independent judiciary, necessary for civic liberty.
 The separation of judiciary from the executive is essential for civic liberty. It is so for the following reasons :—

(1) As we have shown earlier, the executive does not possess the necessary qualities of head and heart required by the judiciary for the administration of justice. A judicial officer should possess the qualities of deliberation, impartiality, detached outlook and cautiousness. An executive officer, on the other hand, needs the qualities of vigour, energy and quick action. All these qualities cannot easily be combined in the same individual.

(2) The main function of the executive is to prosecute persons for breach of laws. If this very same body is also to judge the offences of the criminals, they will not get any justice, because their accusers will also be their judges.

(3) In order that the judiciary may be able to maintain its independence of outlook and impartiality, it is necessary to separate it from the executive. If the judges are subordinate to, and controlled by, the executive on whose will and recommendation, their future promotion depends, they cannot possess an impartiality of judgment and independence of spirit which are of the utmost importance for the proper administration of justice. The term, pay, promotion, etc., of the judiciary should not depend on the sweet will of the executive. The judicial officers should hold office during good behaviour and must receive adequate salary.

The above three reasons for the separation of the judiciary from the executive apply to all countries. In India this is all the more necessary. The executive, in this country, is specially protected in the exercise of its powers. If the government officials act unlawfully they cannot be sued in a law court unless the sanction for the same is granted by the local or the central government, as the case may be. This sanction is

seldom given. Consequently, the executive is under, no risk, if it acts arbitrarily. It is essential, therefore; that the judiciary be separated from the executive in this country.

§ 2. ORGANS OF GOVERNMENT

There are two theories about the organs of Government, the Duality theory and the Trinity theory. The first theory holds that the government possesses only two organs, namely, the legislature and executive. The judiciary according to them is not a separate and an independent organ but a part of the executive. According to the second theory there are three organs of the government, namely, the legislature, executive and judiciary. The first theory now-a-days stands discredited, because it makes judiciary a mere agent of the executive. The judiciary now-a-days is considered as important as any other organ of the government. Hence the Trinity theory is now-a-days considered the correct theory.

Legislature. The legislature is the name of that body which is entrusted with the duty of framing laws for the good government of the country. It is the most important organ of the government because it represents the sovereign will of the state. On a proper discharge of its functions depends the welfare of the people. If the laws passed by this body are good, moral and conducive to the development of human personality, the welfare of the community is promoted, otherwise not.

Functions of the Legislature. The most important functions of the legislature may be enumerated as follows :

(1) It formulates the law of the land for maintaining peace and order in society. It passes new laws for dealing with the changing conditions of modern life and repeals the old obsolete provisions. Sometimes, as in England, it has also the power to change the provisions of the constitution.

(2) It controls the finances of the state. No scheme of taxation or public expenditure can be enforced until and unless the legislature passes a regular budget.

(3) It exercises a great control over the executive in parliamentary forms of government. The cabinet is always responsible to the legislature for its acts and policies and remains in power only so long as it retains its confidence. In Presidential system of government, the legislature exercises control over the executive by confirming appointments made by the President and by ratifying treaties.

(4) It serves as a place for the ventilation of public grievances. The members of the legislature, by means of resolutions, interpellations, adjournment motions, cuts in salaries, etc., focus the attention of the government towards the grievances of the people.

(5) It lays down the policy of the state and places a programme of action before the government.

(6) It also controls the international relations of the state. No war can be declared or peace concluded in a democratic state without the sanction of the legislature.

(7) In many states, the legislatures exercise many other powers which are not purely legislative, e.g., they decide contested elections, try their own members, exercise the power of impeachment and in some cases, as in England, act as a court of appeal.

Constitution of the legislature. *Problem of Second Chamber.* We have already seen that the legislature is the most important organ of the state. On its proper functioning depends the welfare of the community. The laws that are passed by this body affect the well-being of all classes of population. It is, therefore, but necessary that the interests of all must be taken into consideration before a particular measure is enacted into law. The legislature must serve as the true mirror of public mind and with this aim in view classes of people must be given representation in it.

Now, it may not be possible for all these various sections, classes and interests of the population to secure an adequate representation in one chamber only.

It is, therefore, sometimes advocated that the legislature must consist of two chambers—one lower and the other upper. A legislative body having only one chamber is called unicameral legislature, whereas the two chambered legislature is known as bicameral legislature. In a bicameral legislature the lower chamber generally represents the masses, while the upper represents the aristocracy. For the lower, there is adult franchise; for the upper the qualifications of voters are very high.

Advantages of Second Chamber. The arguments advanced in favour of the bicameral legislature are the following :—

(1) The upper chamber serves as a check upon the hasty, ill-considered and rash legislation of the lower house which is the representative of the masses and as such is full of ultra-democratic and radical tendencies. The latter body is impatient to push through with revolutionary programme, so as to please the masses. The second chamber provides a check to such tendencies and compels careful consideration of legislative measure.

(2) The upper chamber serves as a repository of special knowledge and talent. Talented people do not like the bustle of elections and, therefore, cannot reach the legislature through them. They can, however, be nominated to the second chamber.

(3) It interposes delay between the passage of a bill in the lower house and its coming into force and thus gives time for public opinion to crystalize and to express itself through the press and the platform.

(4) It affords opportunity to minorities, vested and aristocratic interests to be represented in the Legislature and thus introduces a conservative force in the

law-making body of the country.

(5) In federal constitutions the second chamber is a necessity because the lower represents the people while the upper the states.

(6) It serves as a guarantee of liberty by securing the citizens' protection against the despotism of a single chamber.

(7) It maintains the independence of the executive against the legislature. When there are two chambers in a country, they both check each other and thus give greater freedom to the executive.

It would appear from the above analysis that the upper chamber is a guarantee of liberty, as well as, to some extent, a safeguard against tyranny.

Disadvantages of Second Chamber. There are, however, many political thinkers who condemn the creation of a second chamber for several reasons.

(1) According to Abbe Sieyès, "The law is the will of the people. The people cannot at the same time have two different wills on the same subject: therefore, the legislative body which represents the people ought to be essentially one. When there are two chambers, discord and division would be inevitable and the will of the people will be paralysed by inaction." He further adds, "if the second chamber agrees with the first, it is superfluous, and if it disagrees with it, it is mischievous."

(2) The argument that a second chamber acts as a safeguard against hasty and ill-considered legislation of the lower house is not true. In modern politics, every measure before it is passed into a law has to pass through three different stages of discussion and analysis.

(3) The upper chamber gives representation to reactionary elements in our political life and thus checks the wheels of progress.

(4) It is a useless body and involves a huge amount of unnecessary expenditure.

(5) Further, there are difficulties in the way of the composition of the upper chamber. Is it to be a nominated, or elected, or hereditary, or partly elected and partly nominated body? In case it is elected, it serves as a duplicate copy of the lower house; if nominated it enables the political party in power to fill it with its own nominees; if hereditary, it is a dangerous anachronism in the democratic age; if elected on the basis of high property qualifications, it may prove reactionary and throttle progressive legislation.

Conclusion. We can say that the arguments against the creation of a second chamber far outweigh the arguments in favour of its creation. Second chambers are constant sources of friction and deadlocks. They block progressive legislation. But in spite of all these objections, a second chamber is almost universal and is found practically in every country of the world.

Relation between the two Chambers. A bill, before it can be enacted into law, has to be passed by both the chambers of the legislature. In case, there are differences between the two chambers, and no agreement is found possible, there are different rules prescribed by different states to resolve the conflict. In India, a joint sitting of the two chambers of the legislature, by a majority vote, decides the points in issue. In England, the House of Lords can prevent the enactment of a bill, only for two years.

While in some states the powers of the two chambers in respect of legislation are equal, in most states, the lower chamber by reason of its being more popularly elected, enjoys greater powers. Money bills are usually introduced in the lower chamber and the upper house possesses only limited powers in respect of them. In the case of other bills too, as we have shown already, the upper chamber occupies an inferior position.

Term of the Legislature. The duration of the legislature should be neither too short nor too long. Too

frequent elections disturb the working of the legislature, involve needless expense, and cause a great deal of commotion among the people. The legislators also cannot acquire any great experience of administration in a short time. If a legislature is allowed to continue for a long period, it ceases to represent the opinion of the people and the legislators cease to care for the electorate.

Executive. The executive is the name of that body of persons who are entrusted with the duty of executing the laws of the state and of maintaining peace and order in the society. In the widest sense, the term means all the government officials, from the executive head down to the village chankidar. The term executive is also sometimes used to denote the executive head such as the king or the prime minister or the president or G. G. etc., and sometimes to denote the whole cabinet or ministry. When used in the latter sense, it is also known as political executive to distinguish it from permanent executive which consists of the paid servants of the government, in its regular service.

A distinction is sometimes made between the nominal executive and real executive. The real executive is the one which actually controls power; whereas the nominal executive is the one which does not wield any power and is merely a convenient figurehead. For example, in England, the nominal executive is the king, but the real executive is the cabinet.

Essential qualities in the executive. The function of the executive is to maintain law and order in the state. The chief qualities which the executive must, therefore, possess are: (1) Promptness of decision. (2) Singleness of purpose. (3) Energy of action. (4) Secrecy of procedure.

To achieve the above results, political writers and statesmen have unanimously recommended the necessity of a single executive head of the state. This type of executive has the advantage of unity, decision, prompt-

ness and secrecy. A plural executive cannot achieve these results.

The method of appointment of the executive. Various methods are followed in various states. But the common methods are : (1) Hereditary succession, (2) Election, either (a) by the people directly or (b) by the people indirectly or (c) by the legislature, and (3) nomination.

1. According to the first method the ruler is succeeded by his eldest son. This method possesses the advantage of permanence, stability and continuance. Further it invokes the loyalty of the people round the person of the king who is an intelligible head of the state. The chief defect of the system is that it does not allow any power to the people and vests too much power of discretion in an individual who may be incapable and rule despotically.

2. (a) *Direct election* by the people is very popular in democratic states. This method stimulates the interest of the people in public affairs, imparts political education to them, and ensures the election of a executive head in whom the people have confidence and trust. The disadvantage of the system is that it leaves the ultimate choice of the executive head in the hands of the people who may be inefficient and incapable of judging the qualifications of the right candidate.

(b) *Indirect election*. It is followed in U. S. A. In this method the ultimate choice is made by an intermediate body which itself is constituted by popular election.

This method is regarded better than the previous one because it reduces the great heat of a general election and leads to an intelligent choice. But in the countries where party organisation is strong, election of the intermediate body becomes a mere formality.

(c) *Election by Legislature*. It is followed in Switzerland and France. The system is, however, full of grave defects. It subordinates the executive to the

legislative organ, which is contrary to the principle of separation of powers. The executive head who wants real election may corrupt administration by pleasing the members of his party in the legislature.

3. *Nomination by the Titular Head of the State.* This method is followed in the case of countries having parliamentary constitutions. The head of the state nominates the leader of the majority party in the legislature to select his cabinet. This executive holds office during the pleasure of the legislature.

Function of executive. Gettler prescribes the functions of executive as follows :—

(1) *Diplomatic Functions.* These include the negotiation of treaties, appointment of diplomatic agents, right to receive, or refuse to receive the diplomatic agents of other states and to wage decisive war.

(2) *Legislative Functions.* These include the summoning, adjourning or dissolving of the legislature; the right, directly or indirectly to initiate legislation, some form of veto power; the duty of promulgating laws and the right to issue ordinances.

(3) *Military Functions.* The executive head is usually the commander-in-chief of the military and naval forces. As such, he appoints and dismisses officers, establishes and supervises martial law and in times of war wields immensely increased power.

(4) *Administrative Functions.* In civil administration the executive head has large powers of appointment and dismissal. He supervises the execution of laws, and maintains internal peace and order.

Judicial Functions. In addition to the appointment of judicial officials and executive heads, it frequently possesses the power to grant pardon.

Judiciary. It is the name of that body of persons whose function is to apply laws to existing cases and thus to administer justice in society. The functions of the judiciary may be summarised as follows :—

- (1) To interpret the existing laws and to apply them to the individual cases. The judges are not concerned with whether a particular law is good or bad; they must apply it as it stands without fear or favour.
- (2) To administer civil justice between one person and another and between citizens and the state.
- (3) To administer criminal justice between an individual and state. It tries persons found guilty of crimes and punishes them.
- (4) It appoints guardians for minors and trustees for estates.
- (5) It administers the estate of deceased persons.
- (6) It appoints receivers, to receive the assets of bankrupt persons.
- (7) It has the power to grant injunctions to prevent the commission of some wrong or injury.
- (8) It sometimes gives advisory opinion to the executive on constitutional and other matters.
- (9) In federal constitutions, it declares the constitutionality or otherwise of the laws passed by the various legislatures.
- (10) The judges by their decisions create case law or precedents to be followed by courts for deciding cases of similar types in future.

It would thus appear that the functions of judiciary are very important. It protects individual rights and punishes those who violate them. Without an honest judiciary in a country the innocent people suffer greatly and their rights are not properly safeguarded.

In order that all these functions may be successfully performed by the judiciary, the judges must possess the following qualities:—(1) Expert knowledge of law, (2) Impartial and independent views, (3) Faithfulness and firmness of character.

To ensure these qualities in the judges it is necessary to have a proper method of appointment.

Methods of appointment. There are three methods of appointment of the judiciary:—(1) Election by the legislature; (2) election by the people, and (3) appointment by the executive.

(1) *The first method* prevails in Switzerland and in some states of U. S. A. It is against the principle of separation of powers. The judges tend to be influenced by party intrigues within the legislature and consequently cannot afford to remain impartial and just.

(2) *Election by the people* is the practice followed in some of the American states. This method is highly defective because the judges elected by popular vote try to satisfy their own supporters. Moreover, persons possessing merit and worth do not offer themselves for election and the incapable persons are elected to these posts.

(3) *The third method*, that of executive appointment is considered the best. The executive, by conducting some competitive examination can select the best candidates possessing special learning, integrity, impartiality and independence of judgment. Besides, such selection places the judges above party politics and the caprice of voters.

Independence of Judiciary. The judges, besides being appointed by the executive authority, must hold office during good behaviour. Their tenure must be permanent. They must receive adequate salary for their support so that they may not yield to pecuniary temptations. The extent and nature of their jurisdiction must be clearly defined and expressly stated.

Organisation of the judiciary. (1) The organisation of judiciary differs from state to state. But there are certain features which are common to all the countries,

Firstly, there is a hierarchy of courts, one set of court being above the other with a supreme or a high

court of review at the top. There are thus lower courts and higher courts and an appeal lies from the former court to the latter.

(2) The courts are divided into sections, ordinarily civil and criminal, and sometimes also the revenue.

(3) In the federal constitutions there are two sets of courts, the federal and the state courts, each independent of the other in its own sphere.

To explain our point more clearly let us take the concrete example of India. The organisation of criminal, civil and revenue courts in this country can be explained and illustrated by the following chart :—

Criminal courts	Civil courts	Revenue courts
Priv. council (Federal Court)	Privy Council (Federal Court)	...
High Court	High Court	Board of Revenue
Sessions court	District court	Commissioner's court
1st class Magistrates	Civil Judges	Deputy Commissioner's court
2nd class Magistrates		Deputy Collector's court
3rd class Magistrates	Munsif's court	Tehsildars
Honorary Bench	Small cause courts	Naib-Tehsildars

TEST QUESTIONS

1. What are the various organs of government and describe the functions of each? (U. P., 1931)
2. Discuss the advantages and disadvantages of bicameral legislatures. (U. P., 1911)
3. Describe in detail the main functions of the legislature.
4. Make out a case for the retention of the second chamber in the legislature. Do these considerations apply to India. (U. P., 1934)

5. What are the main functions of the executive in a democratic state? Discuss its relation with the legislature.

6. What are the qualities, which a good judge ought to possess? What are the various methods according to which judiciary is constituted.

7. Describe the functions of the judiciary, the methods of its appointment and its organization. (U. P., 1935)

8. Explain the theory of separation of powers. What are its advantages? (U. P., 1941)

9. What is the necessity of securing the independence of judiciary from the executive for civic liberty? (U. P., 1939)

10. What is meant by division or separation of powers? Is it necessary to have an independent judiciary in a civilized state? (U. P., 1937)

11. What are the important organs through which modern governments carry on their activities? What is the importance of an independent judiciary? (U. P., 1942)

12. What should be the relations of the judiciary with the executive and legislature? (U. P., 1929)

13. What principles should regulate the relations of the executive and the legislature? (U. P., 1929)

CHAPTER XV

ORGANISATION OF DEMOCRACY

§ 1. PROBLEM OF FRANCHISE

In democratic state, it is very necessary to know, how the representatives of the masses are elected to the legislature. The size of the modern states is very vast, and it is not possible for their millions of inhabitants to take any direct part in the administration of their country or the laying down of the policies of state. The representative system is, therefore, adopted to associate the people indirectly, with the functioning of their government.

Election. When the whole body of citizens, living in a particular country exercise their right of choosing representatives for law making body of their state; the process is known as *general election*; the particular act of choice is known as *voting*; the citizens who cast their votes are called *voters*; or *electors*; and the whole body of electors is collectively known as the *electorate*. When election takes place to fill up a vacant seat in the legislature so caused by the death or resignation of a member, it is known as a case of *bye-election*. An area from which a representative is elected to the legislature is known as a *constituency*.

Universal Franchise. The term *franchise* or *suffrage* means the right or act of voting. When the right of vote is given to all persons who have attained the age of maturity, irrespective of differences in sex, colour, caste, creed, or status, it is known as *adult suffrage*. It is also known as *universal suffrage*, because the adults include both men and women and they are all given right of vote. *Manhood suffrage*, however, means that only adult males are given a right of vote and

not females. *Women suffrage* denotes that the right of vote has been conceded to adult women.

Nature of the right to suffrage. Many democrats believe that the right to vote or to elect is an inherent and natural right of each individual. According to such writers, the sovereignty of the state lies in the people and consequently every citizen has a right to participate in the exercise of that sovereignty and thus to have a right of vote.

The right of vote is, therefore, a cherished privilege of citizens but it is a right which involves a sacred duty. It is not only the duty of a citizen to vote but to vote with a view to advance the public interest and not in order to receive some selfish or sectional gain. Right of vote is a sacred trust that the nation places in an individual for the purpose of enabling him to promote the well-being of the community. It must be exercised with all due care, thoughtfulness and honesty. Only such persons must be given a right of vote who can discharge their duties properly.

Qualifications of voters. In practically all the democratic countries now-a-days, the right of universal franchise has been recognised. But even now, there are many states, which do not concede the right of vote to women. Universal franchise *does not mean* that the right of vote is enjoyed by all the citizens of the state irrespective of their age, character, or occupation. In all the states, there are many individuals, who are debarred from this privilege, as they are considered unfit and unqualified to exercise this right of voting. The lunatics and the insane are debarred from the enjoyment of this right, since by virtue of their mental derangement, they are incapable of judging their own good or the good of the community. The minors are similarly excluded on the basis that their power of understanding is not yet fully developed. Persons convicted of grave crimes, including corrupt practices are also debarred from voting. Some states provide that the beggars, the bankrupts, and the vag-

rents are not to have a right of vote on account of their parasitic tendencies. In some states government servants or soldiers or persons connected with election management are also debarred from exercising this right.

In countries where democratic institutions have not fully developed, persons belonging to another race, and those who do not pay some taxes to the state or hold a minimum property, are also debarred from this privilege. All states demand that the voters must be residents of the state in which they are to be enfranchised. The modern tendency of democratic states is to concede the right of vote to all such persons who are of mature age, possess a sound mind and a good moral character. Disqualifications, due to sex, property, religion, race or residence are being abolished.

Advantages of adult suffrage. (1) All men are equal and need full opportunities for the development of their personality. Adult franchise recognises this basis of essential equality of all men.

(2) Enjoyment of political right is essential for the protection of civil rights. Since civil rights belong to all citizens of the state without any distinctions, the right of vote must also be enjoyed by all, so that the people may influence the decision of the state and secure a protection of their rights. The decisions of the state affect the welfare of all its citizens and so all must have a share in moulding its policy.

(3) Elections are an excellent method of infusing political consciousness and imparting political education to the masses. The various parties that contest the elections, organise a vigorous electioneering campaign, issue election manifestos, place alternative political programmes before the electorate, and thus educate the masses. Elections thus stimulate the interest of the people in public affairs.

(4) The right of vote increases the self-respect of the voters who begin to feel elated when some high personages of the state approach them for votes.

(5) It increases the strength and solidarity of the nation by making all persons feel interested in its affairs.

(6) The right of vote provides an opportunity to minorities to safeguard their rights.

Disadvantages. (1) The average voter is illiterate and unintelligent. In his choice of a particular candidate, he is guided by considerations of caste, creed, religion or family bonds. He is impulsive by nature and hence is guided more by appeal to passions. Catchwords, party slogans, high sounding phrases, election shibboleths, etc., appeal more to his passions than broad questions of national policy.

(2) The majority of voters in the capitalist states are poor. Hence, they are likely to be swayed away by pecuniary considerations.

(3) The problems of government are becoming more and more complex to be easily understandable by an average voter. A poor man does not find sufficient time to devote his energies to understand these problems. He cannot, therefore, make any intelligent choice in elections.

(4) The right of vote, as we have already seen, is not a right but a sacred duty to be exercised with greatest caution; intelligence and thoughtfulness. Only those persons must; therefore, enjoy a right of vote who are capable of judging the public good.

Conclusion. The arguments advanced above are the arguments usually advanced against democracy and have already been discussed in this chapter on state. Even if it be accepted that the right of vote should be conditioned on ability, the question at once arises, what is the test of ability? Some people state that only those persons who own property and pay taxes should have a right of vote. Others contend that only males should have a right of vote. Still others feel that only the educated should have a right of vote. Let us examine all these contentions in detail.

Franchise based on property qualification. *Arguments in Favour.* (1) Those who possess property have a keen interest in maintaining law and order in society. They have a great stake in the country and have everything to lose if things go wrong. Others who have nothing to lose from a breach of law, will have no concern for good government. In order, therefore, that political life may be good, it is essential that only propertied class should have political rights.

(2) According to J. S. Mill, representation should be co-extensive with taxation, on the ground that the assembly which votes the taxes should be elected exclusively by those who pay something towards the taxes imposed. For those who pay no taxes themselves and have the disposal of other people's money by their votes, have every motive to be lavish and none to economise.

Arguments Against : (1) Property is no criterion of a man's ability. Generally rich persons are not very intelligent and hence incapable of correctly casting their vote for public good.

(2) Property in most cases is either the result of inheritance or a product of dishonesty, cheating and falsehood. To give the right of vote to such persons and to deny it to others who are the victims of their misfortune, is manifestly unjust.

(3) Taxable capacity depends to a large extent on the possession of property and to make it a test for enfranchisement is open to similar objections.

Conclusion. The aim of the state is to maintain peace, order and security so that human personality may reach its highest development. Each individual has his personality to develop. Each has therefore as much concern with vital peace and progressive order as any other of his fellow-beings. Consequently each individual should have political rights.

Franchise based on educational qualification *Arguments in Favour.* (1) Right of vote should be

conferred only on the educated people. If uneducated people are given this right, the policy of government would be under the control of fools and knaves and the rulers would be badly chosen.

(2) Uneducated people are generally impulsive by nature and are guided more by appeals to passion than by reason.

(3) The problems of a modern state are too complex and intricate to be understood by an illiterate and uneducated voter. It was for this reason that Mill emphasised that universal teaching must precede universal enfranchisement.

Arguments Against. (1) Though it is true that a certain level of education is essential for the proper exercise of the right of vote, yet in practice it is very difficult to determine where the limit in regard to educational qualifications should be placed. Should we treat M.A.'s, or B.A.'s or Matrics or some others as educated. Mere literacy is not education ; it is only its foundation. An ordinary common sense and some understanding on the political problems of the state are more important for the exercise of the right of vote than mere literacy.

(2) Examination degrees are no test of a man's intelligence or capability. Sometimes, uneducated and illiterate people like Akbar serve as better administrators and satesmen than persons holding the highest degree of universities.

(3) Political rights are a means for the protection of civil rights as well as for the fullest development of personality. If uneducated persons are denied this right, they would not get any opportunities to develop their personality.

(4) The exercise of the right to vote is itself an important instrument of political education and is calculated to stimulate interest in political affairs. If illiterate people have the right of vote, they will use it in the first instance to procure the benefits of education for themselves and their children.

Conclusion. Thus the balance of arguments is found to be in favour of extending the right of vote to all persons irrespective of educational qualifications. The modern opinion is that all persons who are of sound mind should possess the right of vote.

Women suffrage. Arguments Against. (1) Women are physically inferior to men and hence incapable of rendering equal political service to the state. They cannot, for example, fight in wars.

(2) Harmony of home life may be broken because of the possibility of disagreement between husband and wife, or mother and children, over the choice of a particular candidate.

(3) The proper field of work for women is the home, i.e., the upbringing of children and looking after other domestic affairs. If they would begin to dabble in political affairs, they would neglect children and thus human race would degenerate.

(4) Right of vote would tend to destroy their feminine qualities inasmuch as the turmoils of political life would take away from them all their gentleness sympathy and spirit of affection.

Arguments In favour. (1) Physical inferiority does not take away from women their intellectual and moral qualities which alone are the real tests to determine the capacity to vote.

rights. Political enfranchisement would remove many of the disabilities from which woman now-a-days suffer.

(4) The influence of women in state chastens political life. Women by their spirit of love and charity would eliminate the danger of war and conflict and would greatly help in establishing a true civic life.

Conclusion. The general opinion in modern times is in favour of conceding the right of vote to all persons, men and women without any distinction. In India, according to the Act of 1935, women have been granted political rights to a limited extent. In England, female suffragettes after a stern fight for the recognition of their rights, secured the right of vote in the year 1929. In France and Italy, however, women are still denied the right of vote.

Problem of adult franchise in India By the 1935 Act, about 14 % of the population of India has been enfranchised. The women and the Harjians have also been given a right of vote. But the demand of the Indians for the introduction of full adult franchise has not so far been conceded. It is pointed out by the government that there are serious administrative and practical difficulties in the adoption of this course.

(1) The size of the country is so huge that it is not possible to manage the election on the basis of adult suffrage. The means of communication and transportation are not fully developed and the villagers will have to put up with great inconvenience in coming from the interior to the cities and towns for casting their votes at the polling booths. There is also the difficulty of finding suitable polling officers for all the booths and of providing adequate police force to maintain order at all of them. (2) On the basis of adult suffrage, the size of the constituencies would be very large and it would be difficult for the candidates to organise an effective election campaign in such a vast area. Moreover the elected members would not be able to maintain any personal touch with their constituents. (3) the illiteracy and ignorance of the masses would also

involve difficulties in the casting of votes. (4) Lastly the amount of expenditure in managing such an election would be very large.

As against all these, it can be said that the administrative difficulties are not insurmountable and can be overcome by proper arrangement and organisation. In U. S. A. and Russia, the size of the countries is even vaster and still there the elections are managed without much difficulty. The huge expenditure involved would be more than offset by the gain in the political education of the masses. The radio and the car have today removed many of the difficulties of propaganda. The introduction of coloured boxes has solved the problem of illiterate voters. The introduction of adult suffrage cannot, therefore, be considered as an impossible feat, in this 20th century. Adult suffrage would help to solve the vexed problem of minority representation in India as the voting strength of different communities would be roughly in proportion to their population ratio. It would increase the self-respect of the poor voters and would accelerate the process of their social and economic uplift.

Ballot system of voting. It is a method by which the voters cast their votes in favour of the candidates of their choice in a secret manner. The ballot consists of a paper showing the names and descriptions of the candidates contesting an election. The voter has to put a cross (X) against the name of the person or persons for whom he likes to vote. He has then to fold his ballot paper, and put it in a sealed box in the presence of the officer presiding at the polling station. After the time of the election is over, the boxes are opened, the votes cast in favour of each candidate are counted, and the candidate or candidates who get the majority of votes are declared elected. Those who count the votes and supervise the election are known as Polling or Returning Officers. The places which are fixed for election and the casting of votes are called polling booths or stations.

Instructed vs. uninstructed representation. Some political writers state that the representatives of the people, elected to the legislature, must receive instructions from their constituent or electors, on every question discussed in the legislature and act according to such instructions. This is known as instructed representation. It is a dangerous theory as it discloses a great distrust of the people in their own leaders. The members of the legislature are capable and cannot be expected to be guided like slaves or servants under the guidance of the people who are generally unintelligent and conservative. Then again it is difficult for instructions to be given on every proposed measure. It means unnecessary delay. The system of election and re-election is sufficient guarantee against the tendency of representatives to go against the wishes of their electors.

§ 2. METHODS OF ELECTION

Direct vs. indirect election. *Direct Election* is one, in which the voters directly choose their representatives to the legislatures, e. g., the elections to provincial assemblies or local boards in India.

Indirect Election is one in which the voters do not directly elect their representatives to the legislature, but elect an intermediate body, which finally proceeds to elect the members. The elections to the Federal Assembly, the Board of Directors of the Reserve Bank, are conducted indirectly. The president of the U. S. A. is in the same way elected indirectly.

Comparative advantages and disadvantages of direct and indirect election. *The advantages of direct voting* are that (1) it stimulates the interest of the people in elections, (2) the representatives consider themselves as answerable to the voters. *Its disadvantages* are that (1) the masses are not competent to judge the requisite qualifications of a candidate and (2) voters are likely to be swayed by appeals to passion.

The advantages of indirect election are that (1) it is

particularly suitable to cases when the constituencies are unduly large and unmanageable, (2) it reduces the great heat and popular passion of general election, (3) it does not leave the final choice of the representatives in the hands of knaves or fools. Its *disadvantages* are that (1) it is undemocratic, as it leaves the power of the final election of representatives in the hands of a few people, (2) it makes people indifferent to political matters as they do not take any deciding share in the choice of their representatives, (3) it increases the chances of bribery because the final electors are few in number, and (4) where party system is fully developed the indirect election is an useless formality.

The direct method of election is more popular because it is more democratic.

Single member and multi-member constituencies
Direct election may be conducted through single member constituencies or multi-member constituencies. The former constituencies are those which return only one candidate from each area; the latter which return more than one. In the former case, the whole country is divided into a large number of constituencies or areas of almost equal size. Each constituency is asked to elect one member. Various candidates contest election to this seat and the person who secures the highest number of votes is declared elected. This system works well when there are only two parties in the field. In multi-member constituencies, because more than one candidate is to be elected, the voters get as many votes as there are candidates to be elected. If, for example, from a constituency there are three members to be elected, each voter can cast three votes. Every voter can express his choice in favour of any three of the candidates. The first three candidates who secure the majority of votes are declared elected.

those classes; (3) the constituencies being short, the representatives can keep themselves in touch with their electors. The disadvantages of this system are that (1) it fails to give adequate representation to minor parties, (2) it fails to represent the true mind of the nation. (3) a large number of votes go unrepresented. An illustration will make the point clear. In a constituency, there are 400 voters. One candidate is to be elected. Five candidates A, B, C, D, and E contest the seat. A get 125 votes, B 100, C 75, D 60, and E 40. In this case A will be declared elected though he has secured only 125 votes. 275 votes out of a total of 400 would go unrepresented. (4) It makes possible gerrymandering, that is, the authority having the right to distribute the constituencies often arranges them in such a way as to make it difficult for the minority parties to control any one of them.

Problem of minority representation. A minority is defined as a group of persons who having instinct of oneness, form a comparatively small proportion of the total population in a country. Minorities may be political if formed on the basis of differences in political or economic programmes, or communal, if the bond of unity between them is membership of the same community, sect or religion.

The question arises 'should political or religious minorities get any proportional or special representation in the legislature? We will discuss the position of political minorities first.

Arguments in Favour. (1) The legislature which is the most important organ of the government and on the proper organisation of which depends the welfare of the people, should be so constituted as to serve the true mirror of public opinion. It should give representations to all parties and interests in a country so that the people belonging to these groups may be able to protect their rights and voice their opinion.

(2) The minority party should be represented in the legislature in proportion to its voting strength. "In

any really equal democracy" says Will, "every or any section would be represented, not disproportionately but proportionately." The present system of government is described as undemocratic on account of its inequality in the system of representation. A multitude of electors get no representation in the legislature simply because they are in minority in their constituencies.

(3) As already explained, in the present system of election through single member constituencies, a large number of votes go unrepresented. The member who is elected to the legislature from a particular constituency under this system does not represent a majority of votes.

It is argued, therefore, that the legislature should be so constituted that every important political party in the country may be represented in it roughly in proportion to its voting strength.

Arguments Against. Several political writers like Sidgwick and others condemn the principle of minority representation on the following grounds:—

(1) It reduces the efficiency of legislature by introducing in it members who represent conflicting interest.

portional representation are all very complex and expensive and demand a much higher level of intelligence than the ordinary voter can be expected to possess.

In spite of all these objections the movement for proportional representation has gained increasing support during recent times.

The following are some of the methods of proportional or minority representation :—

(1) Proportional representation or Hare's Plan. (2) General list system. (3) Limited Vote Plan. (4) Cumulative Vote System.

Hare's Plan. This system was first advocated by Hare and introduced for the first time in Denmark by Audrac. In this system the country is divided into large multi-member constituencies, each constituency returning at least three candidates. The voters in each constituency do not get as many votes as there are candidates to be elected, but only one vote. The electors can, however, express their first, second, third choice etc., in the voting paper. The total number of votes cast are divided by the number of candidates to be elected and thus a quota required for the election of a member is arrived at. In counting the ballots, only the first choices are considered first; and those candidates who have secured the requisite quota are at once declared elected. The remaining votes of the candidates who are thus declared elected, are counted, and they are transferred in favour of persons of second choice; so on down the list until the necessary number of persons have been declared elected.

Advantages and disadvantages of this system. The *advantages* of this system are that (1) all parties are proportionately represented in the chamber, (2) no vote is wasted, (3) persons of national reputation are selected first and thus the standard of the house is raised and (4) it avoids the tyranny of the majority by preventing the domination of any one party in the legislature.

The *disadvantages* of this method are that (1) it is a very complex method and inconvenient in practical working, (2) it gives encouragement to the formation of several minor parties in the legislature and thus prevents the establishment of a stable government, (3) it denies the right of majority party to make efforts to convert the minority parties to its view and (4) it opens opportunities for jobbery and office hunting in the legislature, since the smaller groups are tempted to sell their support in return for some selfish advantage to themselves. The system is not applicable to bye-elections.

The list system. In this system, the whole country is divided in one constituency. The elections to the legislature are fought not on personal tickets but on party lines. The various contesting parties in the country draw up a list of their candidates in order of precedence, representing their best choices from the top. The voters vote for the whole list of candidates drawn up by a party. The total number of votes cast in favour of the different parties are counted and thus a proportion is found out. Suppose there are three parties A, B, and C in a country, and out of a total of 10,000 votes, A secures 5,000; B 4,000 and C 1,000. If the total number of candidates to be elected to the legislature of the country is 100, then party A will secure 50 seats, B 40 and C 10 seats. The first 50 candidates in the list drawn up by party A, 40 candidates in the list drawn up by party B and 10 candidates in the list drawn up by party C will be declared elected.

The advantages of this system are that (1) it is very simple, (2) it is economical and secures proportional representation and (3) it recognises the party system of a country.

Limited vote plan. In this system, the country is divided into multi-member constituencies, each constituency returning at least three candidates. The voters of these constituencies are allowed to vote for a smaller number of candidates than there are seats to be

filled. For example, if three candidates are to be elected from a particular constituency, the people are allowed to vote only for two candidates so that the minority party may secure at least one seat out of three.

Cumulative vote system. In this method also, there are multi-member constituencies. Each voter enjoys as many votes as there are candidates to be elected. He is, however, allowed the option of cumulating his votes on one or more of the candidates. In this way the minority party members can, by concentrating all their votes in favour of one candidate, hope to secure at least one seat in the legislature.

The defect of this method is that a popular candidate sometimes gets more votes than necessary and thus many votes are wasted, and moreover, the minority party can sometimes secure more than proportional representation.

Communal representation based on separate electorates. This method prevails in India and in no other country of the world. In this method, separate voters lists are drawn up for members of different communities. The communities are based on religious considerations; there are separate constituencies for Hindus and Mohammedans. The different communities have definite number of seats assigned to them, and only the members of one community can vote for their representatives. Thus the Hindus vote for Hindus, the Muslims for Muslims and Sikhs for Sikhs.

Defects. This system is highly vicious and suffers from several defects: (1) It is opposed to all principles of sound political philosophy and leads to national disintegration and tendencies of separatism. Once the principle of separate electorates is accepted for one community, other communities also put forward their claim for similar treatment. Thus in India, the Sikhs, the Christians, the Depressed classes and the Anglo-Indians have all demanded for themselves separate and special representation in the legislature, the services and all other positions of vantage. The result

is that today, India has become a battle ground for different communities, fighting amongst themselves for loaves and fishes. Further, it is this policy of separate electorates that has led the Muslim League to demand the right to establish a separate Pakistan. (2) It encourages sectionalism and prevents the growth of political unity. The members of different communities began to look at each other from narrow sectarian points of view. (3) It undermines co-operation and prevents the growth of love, sympathy and fellow-feeling between the members of different communities. (4) It leads to the rise of communal fanaticism and even the otherwise sensible political leaders are tempted to think in terms of communalism for gaining cheap mass leadership. (5) At the time of elections leaders of different communities fan up communal feelings by levelling false and baseless charges against other communities, engineering communal riots and raising false slogans of religion in danger and thus try to secure support in election for their co-religionists. The members of the legislature sponsor measures in the house, not to advance the national good, but to win the support of communal zealots in their own groups. (6) Separate electorates embitter communal feelings and ultimately lead to hostilities, conflict and communal outbreaks. (7) This system is wholly anti-national and anti-democratic, perpetuates class divisions and obstructs the growth of a common citizenship. It makes the development of political parties with well-defined programmes, wellnigh impossible.

Conclusion. It is thus clear that in the interest of healthy nationalism, separate electorates must be abolished; and mixed electorates introduced. The best guarantee and the best safeguard for the interest of minorities is not any special representation in the legislature, but the good-will of the majority. Mr. Montague the author of the Montford Report rightly pointed out that a minority which is given special representation owing to its weak and backward state is positively encouraged to settle down into a feeling

of satisfied security. There is no attempt on its part to improve its position. What is therefore required for safeguarding the rights of minorities is the good-will, and mutual trust and confidence between the two communities.

Cultural, linguistic and religious rights of the minorities can best be safeguarded through the constitution. Any special representation which is given to the minorities should be in the form of joint electorates with reservation of seats, so that minorities may try to live on terms of friendship and mutual good-will with the majority community. Under the system of joint electorates, the seats for the minority communities in the legislature, are fixed by the constitution, but no separate constituencies exist for the members of different communities. The Hindus and Mohammedans vote in joint constituencies for each other's representatives. This method, therefore, while safeguarding the rights and claims of minorities, removes all the defects of the separate electorate system.

Another safeguard which may be suggested for the interests of minorities is that it be provided in the constitution that no law which trenches upon the existing rights or customs of a community be passed by the legislature unless approved of by a 2/3rd majority of the members belonging to that particular community in the legislature. The measures discussed above are, in our opinion, the best solution for the problem of communal minorities in India.

Process of election. Elections to the legislature are conducted according to rules made under the constitution. The first step consists in the preparation of the electoral rolls for each constituency. The electoral roll is a list containing the names and addresses of all voters in a particular constituency. This list is published for general information and objections are invited in the court by a fixed date. If any names are to be struck off the rolls, or any new ones to be added, it can be done at this stage. A date is then announced

by the government for the filing in of nomination papers by the candidates who want to contest the election. All the nomination papers are then scrutinised before a Magistrate, who if he finds any paper improperly filled or otherwise invalid, rejects it. The accepted papers are published for general information. A date is then fixed for election, ballot papers containing the names of all candidates contesting an election are printed, polling stations for each constituency are announced and returning officers are appointed to record votes. When election takes place, each voter receives a ballot paper on which he puts a cross (X) against the name or names of the candidates for whom he wants to cast his vote and then puts it in a sealed ballot box in the presence of the returning officer. When the election is over, the ballot boxes are opened in the presence of the agents of the candidates and the votes are counted. Some votes which are improperly cast are declared invalid and rejected. The result is then announced.

The defeated candidate or candidates if they feel that the success of their rival has been due to questionable methods such as bribery, false impersonation etc. can file an election petition in the court and if they can prove their allegation beyond doubt, the election is set aside and in serious cases the guilty party is punished. Otherwise the applicants forfeit the security which they have to deposit as a preliminary to the petition being heard.

Relation between the representative and his constituency. A representative after his election to the legislature should not remain indifferent to his constituents, returning to them only at the time of the next elections. He should keep himself in constant touch with his voters, inform them of the issues facing the legislature, ascertain their opinion on all such matters, guide them in the formation of policies and in the understanding of public questions and enquire of them of their special needs and difficulties. He should try to serve his

constituency, of which he is a representative, in all possible ways. He must also push forward the programme and policy, on the basis of which he secured the confidence of his constituents. He must undertake regular tours of his constituency and inform his voters of what he has done to redeem his election pledges and to serve his people in other ways. He must, however, consider himself not merely a representative of a local area, deputed to minister to local needs and to represent local feelings but a guardian of public interests. If the local interests of his constituency come into conflict with the wider national interests, he should not hesitate to sacrifice these interests in the cause of the greater good.

Ideal representative system. The following conditions must be satisfied for an ideal representative system in any country :—

(1) Universal franchise : All persons irrespective of differences in sex, caste, colour, creed, wealth or status must be given a right of vote, subject to the general restrictions discussed above. (2) The system of election should be direct as it is highly educative. (3) The votes must be cast by ballot to ensure secrecy. (4) Corrupt practices at the time of election must be checked. (5) The representatives should keep themselves in touch with their electors so that the latter may feel that they are enjoying self-government. (6) Minorities should be adequately represented. (7) The term of the representative should neither be too short nor too long. (8) The system of plural voting, separate electorates and representation of vested interests must be avoided.

TEST QUESTIONS

1. What do you understand by adult franchise. Discuss its merits and defects. (U. P., 1932)
2. Examine the case for the introduction of adult franchise in India.

3. State the arguments for and against women franchise.
(U. P., 1930, 1942)

4. What is a minority? Mention some of the methods of its representation in democratic legislatures.

5. What is meant by communal representation? Discuss the problem in relation to India and suggest remedies.

6. What are the comparative advantages and disadvantages of direct and indirect elections?

7. Describe the different systems of electing representatives for a legislature and discuss their merits and defects. (U. P., 1933)

CHAPTER XVI

POLITICAL PARTIES

Meaning. "A political party consists of a group of citizens, more or less organised, who act as a political unit, and who by the use of their voting power aim to control the government and carry out their general policies" (Gettel). This definition clearly shows that the political parties are those bodies of citizens which are organised for the purpose of placing a programme of political action before the masses, so that when the people approve of it, the representatives of the party, returned in a majority to the legislature, by forming a government, may carry out in practice this programme and policy. The government which is run by political parties, is known as *Party government*.

A *faction* should not be confused with a political party. The two terms are quite distinct. A faction is defined as a group or body of persons, who are united together for the promotion of some selfish interests or gaining personal power, rather than by any high principle of public policy or national interest.

Basis of the formation of political parties. Lord Bryce says, "In every community there must needs be diversities of view regarding public matters. Leading men become the exponents of opposed views. Other men fall in behind them professing agreement. To gather adherents and to make their views prevail, they combine and organise." Parties are, therefore, formed because different people hold different views on public questions. People holding the same opinion on important matters of public interest combine together to form a party, so that they may unitedly place their own point of view before the masses. Opinions gather force and individuals gain importance in society only when they are backed up by strong party organisations. It must, however, be understood that there

is nothing fixed or permanent about the membership or principles of a political party. Under the stress of changing circumstances the programmes and policies of political parties also change. Old members who do not approve of the changes in programme or cannot tolerate the rigours or party discipline go out and fresh ones come in. The character of the parties is thus always changing.

Generally political parties are organised on the following issues :—

(1) *Political Doctrines*. People believing in the same political programme such as attainment of independence or Dominion Status for their country, or establishing a republican or monarchical or dictatorial form of government organise a common political party for the attainment of their objective.

(2) *Economic Beliefs*. People having economic affinities or following the same profession or believing in the same economic programme for the reorganisation of society or for the betterment of the conditions of life of a particular class of people also organise a common political party. The Kisan Sabhas, the Zamin-dar Leagues, the Employers Association, the Communist and Socialist parties may be said to be organised on this basis.

(3) *Temperamental Differences*. By nature and temperament, there are some people in all countries of the world, who do not like the advancing civilisation of the world and who always endeavour to pull back society to the traditions of the past. Such people are known as reactionaries. There are others who do not want any change in the existing order of things or at most a very gradual change, such people are known as conservatives; there are still others who take a liberal view of things and desire a change for the better in the existing order of life, such persons are known as liberals; lastly, there are some people who want to smash the existing order of society and to substitute in its place an entirely different order, such people are

known as Radicals. In many countries political parties are also organised on these temperamental factors. In a few cases parties are also organised on (4) racial, (5) religious, or (6) linguistic diversities. Sometimes, attachment to a particular leader, who gathers followers round him, is also responsible for the formation of a political party, e. g., the Gandhi Sewa Sangh in India.

Parties in England. In England there are three parties, the Conservatives, the Liberals and the Labour Party. The first two are formed on the basis of temperamental differences. The third party is based on a definite economic programme for the betterment of the conditions of the life of the labourers.

Parties in France. In France before its present downfall, there were several parties based on the different factors discussed above. There were some parties based on political programme which advocated a restoration of monarchy or extreme republicanism; there were some parties which were based on temperamental differences and so on.

Parties in America. In America there is very little to distinguish between the democrats and republicans; the two parties exist to secure government offices for their members.

Parties in Germany. In Germany, there is only one party, the Nazi party which may be said to be based on the racial factor. It believes in the superiority of the Teutonic race.

In very few cases are parties in the western countries based on religious, linguistic or racial considerations. They are all organised, either to promote divergent economic interests of the labourers or the capitalists, or to favour some political programme as of monarchism or republicanism, or are based on differences of temperament as the conservatives and the liberals.

Parties in India. In India, no parties exist on the lines in which they are organised in the west, and this

is but natural because we have not yet achieved our independence. In our country, the legislature does not control the executive. Naturally, therefore, there is no sound basis for the formation of parties. But still, some political parties do exist. There is the Indian National Congress—the best organised and the most efficient party—and the All-India National Liberal Federation. The difference between the two parties is fundamentally one of temperament. The former advocates a radical and revolutionary programme, the latter a constitutional method of agitation. But now the difference between the two parties has also become political. The congress aims at achieving complete independence for the country by non-violent, mass or individual civil disobedience movement; the liberals aim at achieving only dominion status by constitutional means of agitation from within the legislature, and shun non-violence and civil disobedience movements as weapons for winning Swaraj. Besides these, there are other parties in India based on religious differences like the Muslim League, the Hindu Sabha, the Sikh League and so on. The aim of these parties is to safeguard the political, economic, linguistic and cultural rights of their respective communities. They contest elections to the legislature also. There are the Socialist, Communist, Kisan, Mazdoor, Unionist, Congress Nationalist, Forward Bloc and some other parties also in this country. Specially the All-India Congress Socialist Party has gained much popularity in recent years. Besides all these, there are many more parties which have only a temporary existence; they grow during election season and die as soon as the elections are over. The Indian political parties, therefore, except the congress are not organised on sound principle of political or economic policies or temperamental differences.

Functions of political parties: In countries which enjoy representative government parties there are two main functions:—(1) The first chief function of political parties is to organise themselves into strong

bodies by popularising their programme and policies before the masses. For this purpose they frequently hold public meetings, start their own newspapers, issue political literature and educate the electorate in other ways regarding their own programme of action for state matters. The strength of political parties depends on their membership and the support which they command in the public. The parties try to maintain unity within their own ranks by preventing any schisms or dissensions.

(2) The second important function of parties is to contest the elections, by setting up candidates for various seats in the legislature. Their aim always is to capture the largest number of seats in the legislature, so that by gaining a majority they may form their own government and push on with the programme and policy which they have advocated before the electorate. The parties conduct the elections and defray the expenses of those candidates who are too poor to bear them. Every party has now funds available for helping candidates, for, without help, capable men might be excluded and the candidates with the longest purse would have an unfair advantage.

These two functions provide constant occupation to the members, and success in either contributes to the success in the other.

Advantages of political parties. (a) *In the Organisation of Government.* (1) Political parties are indispensable for the working of democratic constitutions. In a cabinet or parliamentary form of government no ministry or opposition can be formed without well-organised political parties in the country.

(2) They enable great changes to take place in the composition of the government in accordance with public opinion. As soon as a particular ministry is defeated on the floor of the house owing to popular opposition, it is substituted by another; the opposition party under such circumstances forms the government and the former cabinet ministers sit in the opposition.

(10) It encourages the loyalty of the party members to their own organisation, rather than to the state.

(11) At the time of general elections, the parties bring about bitterness of feelings and sometimes even peace and tranquility of the state is threatened.

(12) Lastly, party spirit is accused of debasing moral standards because it judges every question from the standpoint of party interest. Even if the heads of a party organisation are discovered to have been using their power for sordid gains, the party tries to shield them from exposure.

Professor Sidgwick sums up the defects of party government when he says, "it often tends to make party spirit more comprehensive and absorbing, party criticism more systematically factious, and the utterances of ordinary politicians more habitually disingenuous."

Conclusion. The party system has been regarded by many as more of a curse than a blessing, yet there is none who has pointed out how representative government can be carried on without parties. It is true that parties are liable to serious abuse but the remedy lies in the creation of a sound, just and vigilant public opinion and in the improvement of the moral standard of public conduct rather than in the mere condemnation of the system without which the education of public opinion and the organisation of government would become impossible. Parties should be organised on the right lines and controlled by the honest citizens of the state.

According to Dr. Bryce, the more a party lives by the principles for which it stands, the more it subordinates its own aim to the strength and unity of the whole people, and the more it is guided by men who can recognise whatever may be sound in the views of their opponents and prevent opposition from passing into enmity, the better will it serve the common interests of its country.

TEST QUESTIONS

1. On what lines are political parties organised in the countries of the west? Are Indian parties divided on similar principles? What are the advantages of party system. (U. P., 1935)
2. Explain the principles underlying party organisation and describe the character and functions of parties. (U. P. 1936)
3. Define a political party. Do you agree with the view that party system has proved to be more of a curse than a blessing?
4. What part do political parties play in the education of public opinion and organisation of government? (U. P., 1930)
5. What is meant by party government? Explain its advantages and defects. (U.P., 1932)

CHAPTER XVII

PUBLIC OPINION

Importance of public opinion. In the present complicated structure of society in which numerous associations exist for the development of the various faculties of man, and in the modern era of democracy when the functions of the state have become so wide that they touch every aspect of a man's life, from cradle to the grave, the cultivation of a sound public opinion has become essential for social regulation and controlling the actions of the government.

(1) In the first place, public opinion regulates social life by controlling the affairs and conduct of the members of various associations. Man as a social animal cannot afford to be indifferent to the views of others and specially of those who come into close contact with him in his daily life and who constitute his world. Public opinion acts as a deterrent to prevent members of different associations from acting against public interest. It compels the associations to function in such a way that they may help in the highest development of human personality.

(2) In the second place, public opinion regulates the actions of the highest executive authority in the state—the government—in such a way that it may promote the greatest good of the citizens.

It prevents the government from falling into the hands of self seeking adventurers, who may use the machinery of the state for social oppression. It thus makes possible the preservation of the rights and liberties of the citizens. Public opinion is the vehicle of conveying to the seat of authority the views and wishes held by a majority of the people. It is one of the most powerful agencies of controlling the government in a democratic state. It compels the governing

classes to act, in a manner calculated to benefit the state and ensure the liberty of the people.

Modern governments fear more the propaganda in the press, the resolutions and speeches in the public meetings, the trend of public criticism in the market place, the result of bye-election, etc., than the speeches made by the opposition benches in the legislature. All proper efforts must, therefore, be made to educate public opinion about the actions of the government by distributing political literature, publishing journals and holding public meetings.

Public opinion under democracy. Democracy is defined as a government of the people, for the people, and by the people. It is a government in which the administration of the country is carried on according to the sovereign will of the people. Public opinion therefore plays a very important part in democracy. If a government goes out of gear with public opinion and ceases to represent the true mind of the nation, it forfeits its claim to be called a government of the people. It is necessary for a democratic government to keep itself in constant touch with the trend of public opinion, with the ideas, sentiments and aspirations of the people, so that it may shape its policies according to the exigencies of the situation and according to the expressed wishes of the sovereign people.

It is also the duty of the public to be always alert and wide awake about the affairs of the state. Its actions and policies should be freely criticised in the press and public meetings. For those of its activities which are calculated to promote social welfare, it must receive a due applause, but for others which suppress human liberty or are likely to injure the public interest it must be severely criticised in the press and on the platform. The criticism of the government should never be factious or inspired with a view to gain some selfish advantage. It should be directed with a view to impress upon it the reactions on the public mind of some of its unwise policies so that it may correct its

errors. The criticisms should be constructive and not destructive. *Ja91*

Public opinion under dictatorship. Dictatorship implies the imposition of certain doctrines and dogmas, liked by the ruling party, on the masses by force. Instead of being directed and controlled by public opinion, this form of government imposes its own opinion of the public by controlling all the methods of propaganda. It does not allow the rights of freedom of speech, or freedom of association, or freedom to hold public meetings, or freedom of press, to the people—rights which are an essence of democracy. By its very nature it is opposed to all free action or free thought. It suppresses with an iron hand all dissenters and all non-conformists to its creed. It directs public opinion in set channels. It controls the radio, the press, the platform, the educational institutions, the church, the associations and all other agencies for the expression and formulation of public opinion. All these organs are put under strict state control and can echo and propagate only those views which are advocated and liked by the party in power. Even the educational system of the country is so devised as to impress upon the students only those theories and ideals which are preached by the rulers.

Under dictatorship only one political party, i.e., the party of the dictator is allowed to exist. All other parties are disbanded and their leaders sent to concentration camps. All opposition to the government is ruthlessly suppressed and those persons who dare to sound a discordant note against the established government are sent to concentration camps or condemned to death. A regular system of espionage strikes terror among the people and makes even the private expression of opinion or interchange of ideas dangerous. If any semblance of democratic institutions in the shape of Reichstag of Germany or chamber of deputies of Italy is retained by the government, the people are required to vote for its members according to the

dictates of the ruling caucus at the point of the bayonet.

Under such a system of government there can be no public opinion in any real sense of the term. What exists is an opinion controlled and inspired by the party in power for its selfish end. The success of such a government can only be ephemeral. Secret underground organisations are organised by the people to overthrow such a regime and as soon as they get a suitable opportunity they overthrow the government and establish once again the rule of law and justice.

What is public opinion. Public opinion may be defined as the opinion which the people in general hold on questions of public or common interest. But all people do not hold the same opinion on any question of public importance. There are persons of different temperament, taste and learning and they hold different opinions on public questions. Some people in holding a particular opinion are guided by personal considerations, others by the good of their religious sect, some by the good of their class, some by an idea of the welfare of the whole community. These opinions clash with one another and are subject to a thorough criticism, analysis and discussion until there emerge and take definite shape, certain views, or sets of interconnected views, each held and advocated in common by bodies of citizens. Some of these views gather more force than other because they have behind them larger numbers or more intensity of conviction, and when one is evidently the strongest it begins to be called public opinion, being taken as the view held by the majority of the people on the questions.

But the question is how is the drift of public opinion to be ascertained. Bryce says, press is not a safe guide since the circulation of a journal does not necessarily measure the prevalence of the views it advocates. Neither are public meetings a sure index for in populous centres almost any energetic group can fill

a large hall with its adherents. Stray elections arising from the death or retirement of a legislator are also no index, since the election of the representative often depends on the art of propaganda, skilful propagandists by sedulously supplying false or one-sided statements of facts beguile and mislead the voters and thus secure success in elections.

The best way in which the trend of public opinion can be ascertained is by moving about freely amongst unbiased persons and finding out their views on public questions. The public opinion, as already pointed out, is not the unanimous opinion of the people because unanimity can never be achieved in public matters. It is also not the opinion of a numerical majority as majority can be deceived by false and cunning propaganda or can be motivated by selfish ends. For example, an opinion may be held by the majority without taking into account the interests and welfare of the minorities; in such a case, it will be known as majority opinion and not public opinion. If an opinion is held by class, or sect or community or an association, for its selfish ends, then however numerous it may be, it is not public opinion. In this case, it will be known as class opinion, or sectional opinion, or communal opinion, or the opinion of an association. Public opinion also does not mean the opinion held by a particular locality as village or city. In this case it will be known as local opinion, or village opinion, or city opinion. Lastly, public opinion is not an opinion which is entertained by the public against its own interests or for the benefit of a particular class or sect. True *public opinion is an opinion based on reason which aims at the welfare of the whole community.* Such an opinion can be held by the right-minded people in the country, i.e., those persons who know to distinguish between right and wrong and who base their conclusions on reasons rather than on sentiment. If there is a difference of opinion between the right-minded people, then the opinion held by the majority of such persons, would be termed as true public opinion. The right-minded popu-

lation in the country may consist of one individual or a few individuals or the majority of population. The larger the number, the better it is in the interests of a sound formulation of public opinion.

To create the right-minded people in a country and to safeguard against some dangers of which public opinion is sometimes exposed, it is necessary to satisfy some conditions which we would now discuss below.

Hindrances to the creation of sound public opinion. (1) Public opinion may be found on the basis of incorrect or mischievous information, false conclusions and wrong judgments provided by the newspapers of the country. An unscrupulous and dishonest press controlled by vested interests, is therefore, the greatest danger in the way of the formulation of sound public opinion.

(2) Public opinion may be found for promoting the interests of a particular sect or class, or religion or group and this danger is the greatest in a country where population is divided into various sections or classes, each of which minds its own interests. Narrow, selfish and communal outlook is thus another great hindrance in the formation of genuine public opinion.

(3) The people living in a country may be uneducated and apathetic towards public matters. They may be unconscious of their rights and duties and may lack in sound common sense and knowlege. Lack of this civic consciousness is, therefore, another great hindrance in the way of the expression of true public opinion.

(4) The political parties, their leaders and followers play a very important part in the formulation of public opinion in a country. If these political parties are based on religious, racial or sectional considerations, they will corrupt the entire atmosphere of social life, with their preachings of communal hatred, sectional outbursts, racial fanaticism and would thus prevent the formation of a sound public opinion in the country.

(5) The political literature, the general books of study and the text books taught in schools and colleges also play an important part in the formation of public opinion in a country. Some control must, therefore, be exercised by the state on all these agencies in the interests of the whole community.

Conditions for the expression and formulation of a sound public opinion. (1) *The Public Must Be Educated.* Illiteracy is the greatest curse of social life. Without receiving proper and adequate education, man remains unfit to play his full part in the life of the community. He cannot form a rational judgment and is guided by appeals to passion of sentiments.

(2) The educational system of the country must be suited to the genius and temperament of its people. Right sort of education which may help in the development of an ideal character in our citizens must be imparted to the students. There must be no communal or sectarian tinge in instruction: Whatever ideas and opinions, prejudices and passions the students imbibe during their formative period in the schools and colleges, bear a permanent mark on their character and influence the formation of their opinion on public questions in later life.

(3) Poverty must be eradicated from the country. The right to economic minimum must be guaranteed to all citizens of the state. There must be more equitable distribution of wealth. In a country where the majority of people are poor, they are likely to be led away by sordid considerations. Moreover, they cannot be expected to devote sufficient time to public affairs as they hardly get any leisure from their daily quest for bread.

(4) There must be a certain harmony of interests among the people of the country. They should not be sharply divided among themselves. Narrow, communal and sectarian life must be discarded and all such associations must cease to exist. The people must learn that religion is a personal affair and it does not prevent

them from living in peace, goodwill and harmony with persons belonging to other faiths in the world. The people must learn the lesson of public-spiritedness and social service.

(5) The press within the country must be honest, impartial and it should not be dominated by religious, capitalistic, or sectional interests. The people should have a regular and adequate supply of authentic news because without it they would not have the means of forming a correct judgment and their opinion on the problems of the day would be partial or misguided.

(6) The political parties in the country must not be based on religious, sectional or racial differences but on sound principles of political and economic programme.

The case for India. The conditions necessary for the formulation of a sound public opinion are all absent from India. The natural result, therefore, is that no sound public opinion can develop in this country, unless the requisite conditions are satisfied.

Agencies for the formulation and expression of public opinion. All the people do not take an equal part in the formation of public opinion. According to Dr. Bryce, three classes of persons have to do with the making of public opinion. Firstly, there are the men who seriously occupy themselves with public affairs, whether in the capacity of legislators, or journalists or professional politicians or public leaders. These persons are, taken all together, an exceedingly small percentage of the voting citizens. It is they, however, who practically make opinion. They understand the political problems and by word or pen, advance arguments which influence the public.

The second class consists of those who though comparatively passive, take an interest in politics. Their sense of civic duty makes them give steady attention to public affairs and to bring to their judgment fairness and impartiality. Such men have the qualities of good jurymen and deliver a sensible verdict.

The third class includes all that large residue of the citizens which is indifferent to public affairs, reading little and thinking less about them. Men of this type are sometimes attracted by personality, sometimes by the passionate speeches of orators and sometimes by slogans and catch phrases. They do not hold any opinions of their own but borrow them from others. They accept some ready made opinions in the market, from the newspapers, or the speeches of the leaders or some book, and then pass these opinions as their own. Men of this class are the most numerous in any country. The larger the presence in the nation of many vigorous minds, constructive and critical, constantly occupied in the public discussion of the current problems of statesmanship, i.e., persons of the first and second class, the better will be the quality of public opinion in that country.

The leading part in the formulation of public opinion is taken by the leaders of political parties, who issue statements to the press for the guidance of their followers whenever any questions affecting the public interest are involved. The views of these leaders are supported by the executives of their parties, and then a vehement propaganda in support of such views is carried on in the public through press and platform controlled by each party. The adherents and supporters of each party then take up the issue and propagate the views in every nook and corner of the country.

The agencies involved in the propagation of public opinion, therefore, are the press, the platform, the political parties, political literature, radio, cinema, educational institutions, elections, and religious associations.

The press. *Advantages of Free Press.* Newspapers are the vital organs of modern civilization. They are the bible of democracy, which form and formulate public opinion. A free, impartial and just press is great blessing for a country. The newspapers help in the expression of public opinion on important matters.

They supply us with correct and impartial news of national and international happenings. They publish statements of leaders and the proceedings of party conferences. They discuss in their columns important events of public interest and afford opportunities to the citizens to ventilate their grievances. They enable the government to keep in touch with public opinion. They freely and fearlessly criticise the government action and suggest alternative courses of opinion. They force the government to be amenable to public opinion by constant propaganda and agitation. In their editorial columns the newspapers throw their full weight on the side of truth and justice.

The ordinary people form their opinions about public matters by reading the news supplied by these papers, and their editorial comments. They are thus very important source for the formation of public opinion. It is, therefore, very important that the press be free from governmental restrictions and control. A free press is one of the most cherished possession of democracy.

Abuse of Newspapers. The newspapers, however, if not properly controlled and kept under check, can play great mischiefs. The tendency of several newspapers of giving sensational news and distorted stories to enlarge their circulation and attract more advertisers, leads the public opinion astray. Many newspapers supply coloured and false news. They represent the views and methods advocated by certain parties. Sometimes newspapers fan up communal feelings and increase bitterness. Many preach class hatred and violence. Some newspapers satisfy the sensual taste of their readers and for this purpose they publish the proceedings of immoral cases in court. Some newspapers take up to the vilification of important personalities and thus try to extract money out of them. Some newspapers receive subsidies from commercial concerns and capitalistic interests. They are also sometimes influenced and subsidised by the government and then they support every one of its just or unjust

measures. All such newspapers are a great blot on our modern civilisation.

The press must be impartial, just and free, if it is to fulfil its great mission. It must propagate truth and nothing but truth. Its freedom should be zealously guarded against governmental interference or monied corruption and its tone and standard should be kept high in order that it may serve the true public interest and guide public opinion on right lines.

Platform. It is another very powerful instrument for the expression of public opinion. Public meetings afford opportunities to individuals to directly come into contact with the masses and thus to express their opinion. The leaders of political parties address the meetings and appeal to their audience to follow their political programme. Public meetings afford opportunities for the ventilation of public grievances, criticism of governmental actions and for the political education of the masses. All this is, however, possible only when freedom of speech and expression is allowed by the government of the day. If the government suppresses free expression of opinion or allows only one-sided expression of opinion, the platform loses much of its usefulness and cannot contribute anything towards an honest formulation of public opinion.

Political Parties. The parties are the instruments of powerful public propaganda. The leaders of political parties impress the people by their eloquence and oratory and enable the ordinary folk to understand and discuss state matters. They disseminate political knowledge to the masses by means of election manifestoes, party literature, and public meetings. If properly organised on sound principles of political and economic programme, they help in the formation of an enlightened public opinion.

Literature. It also serves as a potent instrument for the dissemination of knowledge and the expression of opinion. The literary books are written by eminent

authors and their views are naturally read with great respect and keen attention.

Radio and cinema. They are now everywhere recognised as important agencies of popular education, specially in countries where the people are illiterate. The cinemas afford a very interesting method of propaganda and the impressions left by them are sufficiently lasting. The radios and cinemas have a greater appeal for another reason. They can operate over wide areas and convey their message to millions of people scattered over all portions of the globe, and explain even the most difficult matters of state in the simplest style and language. Almost all governments now-a-days utilise radios for the dissemination of news and their own views. The radio has brought the whole world on a common platform for the exchange of ideas and dissemination of views.

The radio, however, must not like the newspapers be controlled by vested interests or selfish groups. It must disseminate only impartial, just and correct news to the people. The cinema in the same way must exhibit only educational or moral films to the masses.

Educational institutions. They prepare the future citizens of a country. The success of democracy depends on mass education. Educational institutions help in the building up of the character of a nation. The text books taught in the schools and colleges must deal with the problems which face the country. They must create a true civic consciousness in the minds of students, so that when they grow up, they may remove all those evils from the present structure of society which prove hindrances in the formulation of a sound public opinion in a country.

Elections. They are another source for the expression of public opinion in a country. They enable the people to express their approval or disapproval of certain programmes and policies preached by the various political parties in the country including the government. The result of a bye-election indicates

whether the policy of the government is liked by the public opinion or not. Elections are fought on definite programmes, and as such, they are an important method for the expression of public opinion.

Religious associations. Religion has exercised and still exercises a powerful hold on the public mind specially in backward countries. In India the religious associations like the Sanatan Dharma Sabhas, the Arya Samajs, etc., mould, to a very great extent, the ideas and opinions of their votaries on public questions. The people being illiterate, ignorant, conservative and superstitious still derive their inspiration from their religious *gurus*. Themselves incapable of forming an independent judgment, they are guided by religious preachers, by *pandits* and *maulvis* and by *sadhus* and *fakirs*.

The religious associations take pride in their past culture and glory and hence cast their full weight on the side of reaction and defence of old, obsolete, customs and traditions. In India, the institutions of early marriage, untouchability, caste system, devdasi system, etc., are all defended and preserved in the name of the religion. The self-appointed custodians of religion thus mar all progress and check reform. For the creation of a sound public opinion, it is necessary that the people understand religion in its true perspective. Social, political and religious problems should be kept distinct and separate from each other. The people in judging public questions should be guided by dictates of pure reasons and not sentimental appeals of 'religion in danger.'

The part played by all these different agencies discussed above, being so great in the formation of public opinion, all possible care must be taken to prevent their misuse.

TEST QUESTIONS

1. What do you understand by public opinion? How is it formed and what are the various channels for its extension?

2. What part does public opinion play in the modern states? How is public opinion formed and expressed? Explain the conditions which obstruct the formation and expression of genuine public opinion. (U. P. 1936)

3. Discuss the meaning of public opinion. What are the hindrances to the formation of a sound public opinion in any country?

4. What are the conditions necessary for the formation of a sound public opinion in any country? How far these conditions are to be found in India?

5. Describe the importance of a free press and honest press in the formation of a sound public opinion.

6. Describe the channels through which public opinion expresses itself in a democratic state. (U. P., 1940)

CHAPTER XVIII

LOCAL SELF-GOVERNMENT

Meaning. Local self-government means the practice of granting to local bodies like the Municipal Boards, District Boards, village panchayats, etc., autonomy in administering affairs of local interest, *e. g.*, education, sanitation, public health, provision of water, light, roads, drains, etc. The institutions of local self-government exist almost in all countries of the world. Their existence is considered necessary for the sake of efficiency, convenience, economy and civic education.

Utility of local self-government. (.) *Convenience.* The size of the modern state is very large. The central government is situated far from the villages and districts. It is ignorant of the peculiar problems and conditions of these villages and towns and cannot, therefore, efficiently look to the local needs of their inhabitants, which are in many cases quite different from the needs which may be described as of national character. The villages and towns need sanitation, arrangements for lighting, cleaning of roads, upkeep of parks, regulation of buildings, construction of drains, etc. All these functions cannot be efficiently discharged by the central government, which is situated far away from these towns and villages and has to look after matters of national interest like defence, external affairs, means of communication, transportation, currency, etc. The management of local affairs can only be done by local men who remain at the spot and can look to the details of work. *Administrative reasons, therefore, demand the formation of local self-government.*

(2) *Efficiency.* The central government is overwhelmed with the volume of work, which it has to perform for running the entire machinery of government of a vast state. Legislation, international relations,

defence problem, economic development, regulation of imports and exports, conclusion of international treaties, trade agreements, management of currency, banking etc., all these problems require a constant attention of the central government and put a great strain on its nerves. If the local problems are also left over to the central government, they will increase its work and responsibilities tremendously. The local bodies, therefore, decrease the amount of work of the central government and attend to the problems of their locality much more efficiently.

(3) *Economy.* The central government, if there were no local bodies, would have to employ a large staff to administer to local matters. It will have to create a separate department, appoint special officers in each locality and spend a huge amount of money in issuing daily instructions to its officers. All this expenditure is saved by the creation of local self-governing bodies. The local affairs are managed by an elected body which does not charge any remuneration for its work. ✓

Secondly, the local bodies have to find out their own sources of revenue; the central government only gives them a small grant. This means that the elected councillors have to manage the affairs of their locality with great economy for fear of increasing the burden of taxation on local inhabitants.

(4) *Civic Education.* The greatest argument in favour of local self-government is its educative value. It provides a useful training in the art of citizenship and is an important instrument of political education. It produces a keen enthusiasm in the citizens for taking part in affairs which impinge upon their daily life. An average citizen is not so much concerned with the complex functions of the national government like problem of defence, conclusion of trade pacts, currency policy, appointment of diplomatic agents, external relations, etc., with which he is only distantly concerned as with the affairs of his own locality like

sanitation, cleaning of roads, prevention of nuisance, construction of drains, provision of parks, play-ground, etc., which make or mar the happiness of his daily life. Local self-governing institutions like the Municipal and District Boards, perform such important functions and therefore evoke a greater sense of public spirit and sacrifice in the citizens.

According to Dr. Bryce, the practice, of democracy in local affairs creates among the citizens a sense of common interest in common affairs, and of their individual as well as common duty to take care that those affairs are honestly and efficiently discharged. If it is the business of local body to mend the roads, to clean out the wells, to provide a new pump, to maintain a dispensary, to make lighting arrangements, it is also the duty of every citizen to see that these things are properly attended to, that the city fathers and chairman properly discharge their duty, and that the tax-payers get full value for what they are required to contribute towards the expenses of these bodies. The practice of local self-government, therefore, makes a man public spirited and destroys his laziness, selfishness and indifference to affairs that do not directly concern him. And whoever has learnt to be public-spirited, active and upright in the affairs of his village or city, has learnt the first lesson of the duty incumbent on a citizen of a great country.

Secondly, local institutions train men not only to work for others but also to work effectively with others. They develop common sense, reasonableness, judgment and sociality. Those who have to bring their minds together learn the need for compromise and concession. They begin to appreciate other men's points of view and thus develop the instincts of toleration and sympathy. All these virtues are very necessary for the success of democratic institutions. It is for all these reasons that it is said that *the best school of democracy and the best guarantee for its success, is the practice of local self-government.*

De Tocqueville, a French writer, speaks of local

institutions in these words— "Local assemblies of citizens constitute the strength of free nations. Town meetings are to liberty what primary schools are to science; they teach men how to use and enjoy it. A nation may establish a system of free government, but without the spirit of municipal institutions, it cannot have the spirit of liberty."

It is also said about *local self-government* that it is *the foundation of national self-government*. This statement is true for two reasons.

Firstly, the practice of local self-government alone, creates those civic virtues of public-spiritedness, altruism, reasonableness, judgment, sociability, sympathy, love, co-operation; compromise and toleration which are an inalienable adjunct to the success of democratic institutions whether, in a smaller or a bigger sphere.

Secondly, it is only by taking part in the activities local self-governing institutions, that we gain some administrative experience which helps us a great deal in managing our national affairs. The local bodies teach us how to form parties, how to contest elections, how to carry on the work of canvassing, how to make pact and compromises, how to administer local affairs, how to deal with the public, how to raise taxes, how to provide utility services. In short, the citizens learn the secret and art of administration. This knowledge and skill helps him to take part in the national government with greater success than he could do otherwise. Once we learn the art of government on a small scale, we can efficiently run the national government on a large scale.

(5) *Municipal Trading*. The local bodies have to manage some important business concerns like water works, electricity plant, tramway, motor trollies, dairies construction of markets, roads, etc.. The provision of all these things is necessary for providing facilities to the citizens. It is not desirable to entrust these things to private control in the interests of the public and the

consumers. These services cannot also be controlled or managed by the central government. They can only be looked after by local residents.

In the western countries the municipal councils provide many services of this kind to their citizens. They even run cinemas, theatres, music halls, dairies, restaurants, public baths etc. In India these services are not provided by our local bodies. Besides, providing an excellent service, these concerns yield sufficient revenue to local boards, which can be spent in welfare activities. The members of the local bodies also acquire a valuable business experience by running and managing all these huge concerns.

Conditions of success of local self-government.
It has been noticed that in some countries, local self-governing institutions have not worked so well as was expected. Specially, in India they are a hot bed of corruption, intrigue, and party factions. They provide little useful services to the people. The members are mostly concerned with their selfish gain or with the appointments and dismissals of municipal employees. The result is that in India municipal working is characterised with maladministration and the neglect of public affairs.

The reasons for this apparent failure of local self-government are that the conditions necessary for the success of these institutions, are not fulfilled. Their success requires among the people and specially among the more active members of the community, (i) a high standard of moral character, honesty, and sense of public duty and responsibility. If the people are indifferent to public affairs, lazy, and self-centred—local self governing institutions can never be successful. The people must know the value of compromise and accommodation in public affairs. They must be imbued with a spirit of service for the cause of neighbourhood. Further, they must know to subordinate a lower interest for the sake of a higher and wider

interest. The spirit of devotion to the cause of locality must not blind them to the wider national or humanitarian interests. They must learn to form an independent judgment on public questions. They should be guided by consideration of public welfare and not personal or sectional gain.

(2) A second important requisite for the success of local bodies, is the creation of an active, alert and vigilant public opinion. The actions of the city-fathers and other officers of local bodies should be constantly exposed to public criticism and they should be compelled to act in conformity with public interests.

(3) The voters in their choice of the candidates must be guided solely by consideration of merit and record of public service and not by communal or sectional feelings.

(4) The state also should not interfere too much with the affairs of local bodies. Interference should be permitted only when gross misconduct or abuse of power is feared.

Principle of division of power. The actual distribution of functions between the central government, provincial government and local bodies, differs from state to state, but the principle underlying this division is the same in all the civilised countries of the world.

The division of power between the central and provincial or state governments is a matter of constitutional necessity in the federal constitutions. The unitary states, for the sake of convenience and efficiency of administration, also find it expedient to delegate to local areas certain administrative powers and functions.

Subjects of national importance which concern the unity or security of the state or affect all citizens alike, e. g., defence, army, navy, air force, foreign affairs, customs duties, income-tax, legislation affecting fundamental rights of citizens, etc., and other

subjects in respect of which uniformity of policy and administration is considered essential either because they concern more than one area or for the sake of efficiency or to prevent the confusion resulting from diversity, are usually left to the central government. In the latter category fall subjects such as currency, coinage, mint, banking, means of communication and transportation, posts and telegraphs, patents and copyrights, weights and measures, etc.

Subjects of local importance which require differential treatment according to the peculiar conditions of different provinces, or in which the provinces want to make experiments, are left over to the provincial governments. Such subjects include law and order, justice, jail, education, public health, local self-government, co-operative societies, rural reconstruction, land revenue, irrigation, trade and industry, forests, public works, excise, stamps, etc.

Provincial governments also find it necessary to create local boards like municipalities, district boards etc., and to assign certain important functions to them. These local boards are created to secure convenience, efficiency, economy, and to provide civic education to the citizens. Subjects which concern the neighbourhood and which require local talent and local knowledge and detailed treatment are entrusted to local bodies composed of elected representatives. The functions which these bodies perform are such as, primary education, sanitation, public health hygiene, construction of roads, drains, lanes, public works, provision of light and electricity, etc. These functions require a detailed knowledge of local conditions and because these conditions vary from place to place they cannot be efficiently performed by the central government. They cannot be entrusted to private individuals also, because this is neither in the public interest nor can the individuals perform these functions for lack of resources. Hence they are left to be administered by local bodies.

It must, however, be understood that the freedom given to provincial or local bodies can never be absolute. Local interests tend to merge into national interests. Inefficient administration of such subjects as education, health and sanitation affects not only the locality but the welfare of the whole nation. As such some supervision and control has to be exercised by the central government over such subjects.

Centralisation vs. Decentralisation. While the division of the state into units of local administration has everywhere been found to be necessary, the autonomy which these units enjoy differs in different countries. In countries like France the system of local government is highly centralised.

Centralisation means the focussing of all the powers of the state at one single centre. In this system the central government is the source of power, and all subordinate units owe their existence and receive their powers from it. The local governments are responsible to this body. They have little freedom of action and act as mere agents of the central government.

In England and America the local bodies enjoy a very wide measures of self-government on the principle of decentralised administration which means delegation of more and more powers to local governments and local bodies. Under this system the local bodies remain free from the control of the central government, in respect of functions assigned to them.

The modern tendency is towards more and more decentralisation of power and it is in accordance with democratic traditions. A decentralised system of administration is more responsive to popular opinion; it arouses keen interest in public affairs and promotes education.

Divisions in India. For purposes of administration India is divided into 11 provinces which to a great

extent represent earlier units into which the country was divided before the British occupation, subject to such necessary alterations in their boundaries as were considered expedient for administrative convenience. Every province is divided into a number of divisions, each under a commissioner. Each division is further sub-divided into districts, tehsils, parganas and villages, which are administered by collectors, tehsildars, qanoongos, and village patwaris. By the 1935 Act, a peculiar kind of federation has been imposed upon India and under this constitution the provinces have acquired autonomy in a great measure.

The divisional and district officials who besides their other functions also look after the working of local bodies in India, are absolutely subordinate to the provincial government and responsible to it for the proper administration of the areas committed to their charge. Thus there is a very large measure of centralisation in Indian administration.

Municipal Boards. The sphere of local self-government in India is comprised of municipalities, district boards and village panchayats. In U. P., each city with a population of more than 20,000 is organised into a municipal board, a city with a population of between 10,000 and 20,000 into a Town area committee and cities with a population of more than 5,000, but less than 10,000 into notified area committees. The functions and powers of these three sets of urban bodies are almost similar. Their composition and the control exercised over them by the local government differs.

Municipal boards consist mostly of elected members and an elected chairman who acts as the chief executive officer of the board. The actual function of these boards is performed through various committees, like the health, education, tax, housing, hospital, public works committees, elected by the board.

Functions. The functions of municipal boards are very important and numerous since they are concerned with the daily life and welfare of the people of the

Locality. Now-a-days, the more important cities in all the countries of the world are becoming overcrowded and their problems have become very formidable. The big cities require rapid means of transport, to carry to the factories and then back to their homes, thousands and lakhs of labourers who want to reach their post of duty, all at the same time. The more efficient the transport system, the less is the danger of dislocation of traffic, accidents and overcrowding and congestion in cities. Many municipalities, in big towns run their own tramways, bus services, electric motors, trollies etc., for this purpose.

Then the municipalities in big cities have to deal with the problem of housing for labourers. The housing facilities provided by the employers are most unsatisfactory. The labourers have to live in dirty, insanitary and obnoxious chawls and tenements. Their houses are described as dark dungeons and pestilential plague spots unfit for human habitation. The municipalities can do a great deal to improve these conditions by opening up new areas and themselves constructing model houses.

Another question to which municipalities are required to devote great attention is town planning. Most of our towns have grown up haphazardly without any provision for broad roads, open spaces, parks, good lanes and drainage system. The improvement trusts can do a great deal towards opening up congested areas and planning new extensions on scientific principles.

Another growing menace of the towns in India is the beggar problem. Municipalities can do a great deal to tackle this problem by opening work houses and establishing asylums to feed and clothe the physically incapacitated.

The municipalities in western countries manage some of the biggest economic and public utility enterprises which serve the double purpose of providing useful amenities to the citizens and a profitable source

of income to themselves. They run buses, trains, dairies, theatres, cinemas, ball rooms and such other concerns. In India the municipalities do not carry on such activities on any large scale.

We may summarise the more important functions of municipalities as construction, repair and maintenance of public roads, bridges and other thoroughfares, public wells, tanks, public schools, drains, lanes, etc., provision of primary education, sanitation and public health, prevention of epidemics, vaccination, registration of births and deaths, provision of dispensaries and hospitals, town planning, control and removal of dangerous buildings, widening of roads, regulation of the construction of buildings, regulation of dangerous and obnoxious trades and professions, provision of water supply, electricity tramway, dairies, cinemas and theatres, reading rooms and libraries, etc.

District boards. The functions of the district boards are also akin to those of the municipalities. They make provision for village tracks and roads, management of bridges, construction of minor irrigation works, rest houses, bungalows, parks, play-grounds, school buildings, provision of education—general and technical, teacher's training, agricultural improvement, holding of fairs, exhibitions, management of cattle-pounds, provision of dispensaries, hospitals, light, vaccination, prevention of diseases, village planning etc.

The district boards serve the needs of a much larger area and much more scattered population than the municipalities. The spirit of corporate life and unity which commonly exists in the towns is absent in a district board. But still they are very important and indispensable units of local administration.

Village panchayats. In an agricultural country like India with its seven lakh villages, no scheme of local self-government can be complete without a proper organisation of village life. Village panchayats had existed in India from times immemorial but with

he adoption of the policy of centralisation by the British Government they disappeared. During recent years, attempts have been made to revive them again in some provinces. Village panchayats are elected on the basis of adult suffrage so that they may provide political education to all residents of the village. They look after the education, public health, sanitation, rural reconstruction, and public works of the village. They also decide petty civil and criminal cases of the villagers. In India, the apathy and ignorance of villagers have prevented the panchayats from showing the results which may have otherwise accrued.

Sources of income of local boards. The sources of income of the local bodies in India may be grouped under the following heads :—

(1) Taxes on trade, *e. g.*, octroi duties, terminal taxes, tolls tax, etc. (2) Taxes on property, *e. g.*, tax on houses and in rural areas cess on lands. (3) Fees and licences, *e. g.*, scavenging fee, conservancy tax, license fee for music, vehicles, dogs, dangerous and offensive trades. (4) Income from municipal trading, *e. g.*, supply of electricity, gas, water, trams, buses etc. (5) Income from municipal property like buildings, market places, etc. (6) Grants-in-aid from the local government. (7) Loans, raised directly from the public, or subscribed by the government.

It must be noted that the sources of income of local bodies in India are very meagre, in comparison with other countries.

Control of Local Bodies. Sometimes the provincial or central government exercises a very strict control on the activities of local boards. This unnecessary interference takes away all sense of responsibility and initiative from the minds of citizens and it is very much resented by public opinion.

TEST QUESTIONS

1. On what principles are the powers and functions of government distributed between the Central Government, the Provincial Governments and the local bodies ? (U. P., 1934)
2. How do you differentiate between the functions of the Central Government and the Local Government ? On what grounds do you justify the existence of local self-government ? (U. P., 1935)
3. Discuss the importance of local self government in modern state, with special reference to India. (U. P., 1937)
4. What measures would you suggest for rousing popular interest in the affairs of Municipal and District Boards ?
5. Local self-government is the foundation of National self-government. Discuss this statement. (U. P., 1937)
6. What functions should be assigned to Municipal and District Boards and why ? (U. P., 1933)
7. A government to be a good one must voice the opinion of its subjects and the best means to achieve this goal is to encourage local self-government as much as possible. Discuss. (U. P., 1941)

CHAPTER XIX

CITIZENSHIP

Meaning of the term Citizen. Ordinarily by a citizen people understand a person who lives in some city, and is a bit polished in tongue and tidy in dress. The term has, however, quite a different significance in a civic life. Mere residence in a city does not mean a civic life and that a person is a citizen. A foreigner who comes on a visit to our country and temporarily resides in a city does not become a citizen but remains a foreigner, a sojourner, an alien. Citizenship in civic life has always had reference to rights and duties and membership of a state.

A citizen therefore is a person who is a member of some state and enjoys therein all rights, civil as well as political in return for the allegiance which he owes to it.

Growth of Citizenship. The concept of citizenship is as old as Greek civilisation and Greek city states. In the Greek world, citizenship was limited to those few persons who were residents of a city and actually participated in the work of the government. Women, manual workers and slaves even though resident in cities were not considered as citizens because they were not considered capable of taking part in the administration of their country. Aristotle defines a citizen to be a person who has a right to share in the judicial and executive part of the government. Similarly in Rome, citizenship was not determined by residence, but by the possession of certain rights. Inhabitants of distant cities and provinces of the Roman Empire could be made Roman citizens if the emperor conferred upon them those rights. This association between possession of rights and citizenship has lasted till today. But the definition given by Aristotle is no longer accepted because the modern conditions differ markedly from those prevailing in ancient times. Now there is no slavery and women

are not excluded from participating in the political life of the community. The meaning of the term citizenship has, therefore, been extended to cover modern conditions.

Meaning of citizenship. Citizenship today means a legal status of an individual in a political community by virtue of which he or she is entitled to all the rights, civil and political and subject to all the duties maintained or enforced in that community. This means that all persons irrespective of the fact of their sex or residence in city or village or their profession have become citizens in modern states. Again, it means that actual participation in the work of the government is not essential to be a citizen. Any person can be a citizen who occupies the status stated above.

Good citizenship. Citizens, in return for the rights, civil as well as political, which the state guarantees them owe certain duties to the society. A citizen who passively enjoys his rights is, unconscious of his duties and does not take an active part in contributing to the culture and civilisation of the society; is known as a bad or a passive citizen. Now-a-days a real citizen is considered as one who knows his rights and consciously performs his duties, who takes an active part in the general life of the community and contributes his full quota towards the enrichment of social life and the development of its culture.

The following conditions are, therefore, necessary to constitute citizenship:—(a) Membership of some state. (b) Enjoyment of civil and political rights at home and protection of person and property abroad. (c) Conscious performance of one's duties and an attempt to enrich social life. (d) Allegiance to the government.

The last one is a very important factor. One who does not owe allegiance or loyalty to the government or state is not a citizen.

Alien. A person who temporarily comes to reside in some state but owes allegiance to some other state

remains an alien. Alien is a person who enjoys only civil rights and not political.

Status of Alien. He receives protection in person, property, freedom of movement, of speech, right to sue in court, etc., during the period of his temporary sojourn in a foreign state. But he does not enjoy any political privileges, e. g., right of vote, right to election, etc. In return for the grant of civil rights, an alien must obey the laws of the state in which he is temporarily residing even though they happen to be quite different from the laws that prevail in his own country, and must pay rates and taxes.

The aliens are called *alien friends* when they belong to a friendly power, and *alien enemies*, when they belong to some other state which has gone on war with our country e.g., Italians and Germans in India and England are known as alien enemies. Aliens are not bound to serve in war.

Citizen versus Elector. A citizen is said to have political rights. All the citizens in the state, however, do not enjoy political privileges. In every state there are minors, soldiers, criminals, and other disqualified persons, who are not allowed right of vote and still they are known as citizens. In some states, e.g., in America, naturalised aliens are allowed right of vote but they are not considered as full citizens, because they cannot stand for its presidency. A citizen and elector are, therefore, no convertible terms, though most of the citizens are always electors.

Citizen versus Subject. The term citizen is applied to a person who enjoys both civil and political rights in the state. The term subject includes all persons regardless of their civil and political status, who come under the territorial jurisdiction of a state.

But strictly speaking the theory of sovereignty implies an idea of subjection and hence all persons living in a state and owing allegiance to it, may be called subjects. But in the present democratic age

the term is looked upon with disfavour due to its historical association with feudalism and absolutism and is generally used to describe the *members of any political community, living under the suzerainty of a hereditary monarch.*

Determination of citizenship. There are two kinds of citizens in a state (1) natural born citizens and (2) naturalised citizens. Natural born citizens are those who are the citizens of any particular state from the time of their birth. Naturalised citizens are those who at the time of their birth were citizens of one state, but later on by fulfilling certain conditions, choose to be citizens of some other state.

Natural born citizenship. It is determined by two principles:—

(1) *Jus Sanguinis or Blood Relationship or Parentage* According to this principle the child acquires the citizenship of his father irrespective of the fact whether the father at the time of the birth of the child was living in some foreign state or in his own country. This principle is based on the personal law of the Romans and appears to be very reasonable and natural. But sometimes an accurate proof of parentage is not obtained in all cases, specially in the case of illegitimate children and then a great difficulty arises. Austria, France and Italy follow this system.

(2) *Jus Soli or Place of Birth.* According to this principle all persons born within the territory of a particular state are considered as citizens of that state, irrespective of the fact, whether the father belonged to the state nationality or not. Children of citizens of the state who are born abroad are considered aliens and children of aliens born within the state are considered citizens.

This principle is based on feudal ideas according to which all persons born within the territorial jurisdiction of a feudal lord become his subjects. Argentine republic and some other states strictly follow this

principle. The principle no doubt affords easy proof of the fact of citizenship but it is not logical, as it makes one's status depend upon the place of birth, which is merely an accidental circumstance.

Double Principle. England and U. S. A. have combined both the principles and follow a mixed course. As regards sons of aliens born in their own territory, they follow the principle of *jus soli* (place of birth) and as regards children born abroad of their own citizens, they follow the *jus sanguinis* principle (blood relationship). All children born of England or U. S. A. citizens in any part of the world are English or American citizens, and children born to other persons at the time of their temporary residence in England or U. S. A. are also considered as English or U. S. A. citizens.

Conflict. This double principle, however, leads to cases of double nationality and consequent conflict of jurisdiction, e.g., if a citizen of France goes with his wife on a visit to U. S. A. or England and there a child is born to the couple, then according to French law or *jus sanguinis* principle, the child would be considered a citizen of France, but according to U.S.A. or English law, where all children born of alien parents within their territory are considered as U. S. A. or English citizens, the child would acquire U. S. A. or English nationality. One child in this way would be claimed as a citizen by two states. Similarly when a citizen couple of France or Italy goes to Argentine and there a child is born to them, then according to French or Italian law, the child would be considered as a citizen of France or Italy and according to Argentine law, the child would be considered as an Argentine citizen, because in the latter country, the *jus soli* principle is followed.

In such cases two methods are adopted to remove the conflict. (1) If the parents of the child after their temporary sojourn in that country go away to their original home, then the child does not acquire the citizenship of the country of birth, because most of the

states do not recognise the claims of any citizen who remains outside the jurisdiction of such states. (2) Persons of double nationality are given an opportunity of electing their citizenship on attaining majority.

Acquisition of citizenship or naturalisation. This is a method by which an alien can acquire citizenship of the state where he is resident. Citizenship in this case is granted or conferred by the government on alien's fulfilling certain conditions, which differ from state to state. But usually the fulfilment of the following conditions entitles an alien to the conferment of the rights of naturalised citizenship.

(1) *Residence.* All states prescribe that an alien who is of good moral character, resides in the state for a certain period of time—which varies from state to state—makes a declaration relinquishing his former citizenship and takes an oath of allegiance to his new state is entitled to claim the right of citizenship of that state. This period is five years in U. S. A. and England, but varies in other cases. The law of U.S.A. further provides that only Africans and white persons can be admitted to citizenship by naturalisation. Indians, Chinese, Japanese and the Burmese are excluded as they are neither white persons nor persons of African descent. In England only those persons who know English and declare their intention of residing in British territory or entering the service of the crown, can become naturalised citizens. ✓

(2) *Marriage.* Citizenship may also be acquired by marriage. When a woman marries a foreigner, she *ipso facto* becomes the citizen of her husband's country.

(3) *Government Service.* If an alien is appointed a government servant in another country he becomes a citizen of that country.

(4) *Purchase of Estate.* In some states, e.g., Peru and Mexico, purchase of real estate automatically confers the right of citizenship on the purchaser.

(5) *Legitimation.* It means the legitimization of an

illegitimate child of a citizen father and an alien mother. Citizenship is conferred in such cases by special acts.

(6) *Adoption*. A citizen of one state, when adopted by a citizen father of another state, loses the citizenship of the country of his birth.

(7) *Annexation of foreign Territory*. When a country is defeated in war and is annexed with the territory of the victor country, the citizens usually acquire the nationality of the victor country and lose their original rights.

Status of naturalised citizens. Generally speaking all naturalised citizens enjoy the same rights as the natural born citizens. But in some states, some restrictions are placed on the rights of naturalised citizens. For example in U. S. A. a naturalised citizen cannot contest the offices of President and Vice-President of the republic. In England prior to the passing of the 1914 Naturalisation Act, naturalised citizens were debarred from holding certain government posts.

Citizenship—how lost. Just as citizenship can be acquired, in the same way it can also be lost in various ways :—

(1) *Marriage*. Women lose their citizenship by marriage to aliens and acquire the nationality of their husbands.

(2) *Absence*. The right to citizenship is lost by long and continued absence from the native state for a very long time. This period of absence differs from state to state.

(3) *Expatriation*. The citizens can expatriate themselves, that is to say, can voluntarily resign their citizenship in the states of their origin and take up a new allegiance in the states of their adoption.

(4) *Acts of State*. Citizenship can be terminated or withheld from certain individuals on account of their having committed certain offences against the state.

e. g., treason, or desertion from army, or commission of some other heinous crimes.

(5) *Expulsion or Dismissal from State Service.* Where a foreigner has been conferred the right of citizenship by virtue of his holding an office under the government of another state, citizenship is terminated on his expulsion or dismissal from service.

(6) *Service Under Foreign Government.* If a citizen leaves his own country and takes up a service in a foreign state, he loses the citizenship of his own country.

Virtues necessary for good citizenship. Good citizenship means a man's capacity to serve his community. We have already seen in the last few pages that a good citizen now-a-days is considered to be one who can contribute his mite towards the advancement of civilisation and the well-being of his state.

Good Man vs. Good Citizen. A good citizen must be distinguished from a good man. Both these terms are not interchangeable. A good man may not be a good citizen and *vice versa*. The virtues of a good citizen have a reference to the state, while the virtues of a good man have a reference to his personal character. Though generally it is found that good men serve as good citizens and good citizens as good men but it is not at all necessary for one to be other. There are several traits of character which go a great deal in making up of a good man, but they are not necessary for a good citizen. Truthfulness, straight forwardness, religious-mindedness, chastity, etc., are virtues which are very necessary for a good man, but not so for a good citizen. A good citizen is one who can serve his state, his locality and his community and who can advance the cause of his nation. For these things the virtues of a good man named above i.e., chastity, truthfulness, etc., are not essential. Rather sometimes a person has to be a bit insincere in his views, flattering in his expression, accommodating in his living.

hypocritic in his facial expression, and so on, to serve the cause of the state of which he is a member.

There are different communities, sects, nationalities, etc., which inhabit the territories of a single state. Sometimes the interests of one community come into conflict with those of another. In the same way one state has often to conduct diplomatic treaties, trade pacts, international agreements with other states. On all such occasions, the citizens have to conduct themselves with the utmost reserve, they have to sacrifice truth by suppression of facts, straightforwardness by accommodating talks, plain speaking by diplomatic conversation. All these things are necessary for promoting internal peace and order and securing international goodwill and amity, though they may be undesirable from strictly moral considerations.

Qualities. A good citizen must, therefore, possess the qualities of intelligence, far-sightedness, keen acumen, self-control, and loyalty or devotion to his cause. He must be public-spirited and must always be prepared to make the greatest personal sacrifices for the good of others or the benefit of the community. He must be intelligent enough to shift the good from the bad and to take a dispassionate view of things. He must have straight and clear conscience in order to enable him to be honest, fearless and self-sacrificing in the performance of his duties. He must be loyal to his state and should obey all its just orders. Dr. White says that a good citizen must possess enough of common sense, he must have the courage, he should be able to express his mind boldly on public questions without fear of persecution or unpopularity. Then alone he can best serve the cause of the community and the state of which he is a member.

It is almost impossible to give any exhaustible list of the virtues that go to make up a good citizen. An ideal citizen's conduct must be virtuous at every point, in matters of his daily routine, in his relationship with

the members of his family, his neighbours, his friends, his community, and so on. We are seldom called upon to make big sacrifices. It is our daily conduct from morn till night that leaves a permanent impression, about our manners on others. How we sit, how we talk, how we keep our surroundings clean, how we behave with our friends, strangers and ladies; what sort of literature do we read, how we help our neighbours in times of their distress, how we help the needy and the poor—all these things go a long way in making or marring our life and in creating a permanent impression on the minds of others about our virtues and our manners. A good citizen must therefore, care more for those things which we call ordinary things of life. His life must be well-disciplined and well-balanced in all directions.

To sum up the qualities of a good citizen let us say that a man first of all must be educated; he must be public-spirited and dominated by a strong sense of serving the humanity at large; he must have extended sympathies, wide knowledge, catholicity of thought, and freedom from narrow-mindedness, communal or sectarian spirit; he must develop in him civic virtues, namely the instinct of love, sympathy, co-operation, fellow-feeling, tolerance, discipline, obedience, service and sacrifice; he should be a lover of justice and truth, he should be self-reliant and a lover of every kind of work; he must possess a strong physique and a keen intellectual power, he must be thrifty and last of all, he must be loyal to the state and obey all its just orders.

Above all a citizen must have the virtue of harmonising his different loyalties in such a way that the maximum welfare of the community is realised.

Citizenship consists in right ordering of loyalties. The above quotation of Dr. William Boyd means that the true aim of a citizen's life is to so conduct himself in society that the conflict and disharmony from his life may be removed and perfect peace and happiness.

may reign supreme throughout his career to enable him to develop his personality within maximum limits.

We have already seen that self-realisation and the development of a man's personality can only take place in society. Social life consists in a man's membership of different associations and institutions. The larger the number of associations of which a man is a member, the greater and richer is the development of his personality. A man is a member of a family of a religious, cultural, economic, philanthropic, recreational, vocational, economic and so many other associations. He derives some rights from the membership of all these associations and in return he owes some duties to each one of them. In our daily life it happens many a time that our duty towards one association comes into conflict with our duty towards another. In such a case civics provides us the best solution of resolving the conflict and that solution is, that whenever such a poignant situation may arise, a citizen must sacrifice the narrower interest for the sake of a wider interest. Some instances will make the point absolutely clear.

If there is a conflict between the interest of our family and the interest of our locality, we must sacrifice our family for the sake of the welfare of our locality or community, because the latter represents higher values or interest. If a fire breaks out in the house of our neighbour or if a man is seriously ill in our locality, it becomes our duty to leave every other work and to help our neighbour even when it means a lot of inconvenience to our family members. A man who does not care for the interests of his locality and remains all absorbed in the family is truly called selfish and narrow-minded.

Similarly, the claims of the locality and the community should give way before those of the nation. When questions, concerning the welfare or safety of the entire nation are involved, every other interest must be subordinated to that of the country.

But sometime it so happens that the interest of a nation which is led by some blind imperialists or race fanatics like Hitler, come into conflict with the interests of humanity. When a country for its false glorification takes it into its head to crush the liberty and independence of the weaker nations of the world, it becomes the duty of its citizens to refuse to fight and thus to prevent the humanity from falling into the clutches of the tyrants.

The greatest good of the greatest number can be promoted only when this principle is followed. The rule of civic life is, therefore, that, sacrifice the self for the family, the family for the locality, the locality for the country, and the country for humanity.

Hindrances to good citizenship. There are certain evils in the social organisation of our community, or in our personal character, which create hindrances to good citizenship. These evils are generally the following :—

(1) *Antiquated Customs and Usages.* They are repugnant to the very spirit of citizenship. To this class belong all social and religious divisions and sub-divisions, like castes, religious sects and orders, the institution of untouchability as it prevails in India, the division of the community into privileged and unprivileged classes like Lords and Commoners in England and so on. These institutions hinder equality amongst citizens and thus strike at the very root of citizenship.

(2) *Indolence or Apathy Towards Public Affairs.* It is a great obstacle in the way of the proper performance of civic duties. A person must not be indifferent to public matters. On the general welfare and advancement of the community and society depends the progress of the individual. Hence an individual must perform his public duties with the greatest care, and he must not think that he can do without performing them.

: Right to vote, right to hold public office, and right to be elected must be properly used. A voter must not.

think that his single vote is of 'no consequence in a multitude. These are after all individuals, joined together, who make up the whole.

(3) *Personal Self-interest.* Another evil that makes for bad citizenship is personal selfishness. It makes a person incapable of acting in the public interest and to sacrifice his small comforts for the welfare of all.

A selfish person always prefers his good even at the cost of national disaster. He may sell his country for the sake of a few gold coins. He may misuse his official position to promote his interests at the expense of the general welfare of the community. Selfishness thus makes it impossible for all citizens to enjoy their right and discharge their duties.

(4) *Poverty.* It is one of the greatest hindrances to good social life, as it breeds the worst sort of crimes in society. A person who cannot get bread even twice a day would be easily tempted to any path of vice, robbery, theft, murder, cheating, felony, etc. For building up of the character for a nation, poverty must be removed and some economic minimum must be guaranteed to all citizens of the state.

(5) *Party spirit.* Parties are essential for the successful working of democratic government. But it often happens, that many citizens lose sight of the fact that parties are only a means for the welfare of the whole community and begin to consider them as means for securing the good of party members only and not of the state. This partisan spirit vitiates the political atmosphere of the community and breeds in it a dangerous condition of conflict and corruption. The ideal of citizenship which is the service of all is forgotten and selfishness reigns supreme. The community degenerates and decays. Partisanship is thus the greatest hindrance to the spirit of citizenship.

(6) *Illiteracy.* Education is the great socialising instrument. It creates true civic consciousness in the people and arouses their interest in public affairs.

Lack of education is, therefore responsible for most of the ills, from which our society suffers at present.

(7) *Intense Feeling of Nationalism, Capitalism and Imperialism.* These are other great hindrances to good citizenship. Nationalism seeks to break up humanity in small sections and these sections are often pitted against each other. In the name of nationalism, often bigger and more powerful states pounce upon the throats of their weaker neighbours and deprive them of their liberty. Pacific nationalism is, however, not bad because under it one nation desires to live in peace with other state and it is not opposed to internationalism. But when nationalism runs amok and takes up the form of imperialism, it checks the wheels of progress and divides the world into warring nation.

Citizenship aims at the ultimate unity of the entire human race and the creation of a federation of the free states of the world and the parliament of mankind. Nationalism and imperialism are, therefore, great hindrances to the achievement of this ideal of citizenship.

Capitalism, in the same way, leads to human slavery, bondage and the permanent exploitation of a class of persons—that of labourers and peasants—under the idlers who do practically little or no work. All these three forces, namely, nationalism, capitalism and imperialism are then in close connection with one another, and hence are other great hindrances to good citizenship.

How to remove hindrances to good citizenship.

In order to remove these hindrances, an all-sided effort from the side of the public, the state, the political parties, the press, etc. is necessary. We have to reform and revolutionise the present rotten structure of the society, so as to build it anew on the principles of equality, justice and democracy. Poverty will have to be removed, all privileged classes to be abolished and capitalism and imperialism to be given a death burial. Education then must be made universal and free and its aim should be the complete moral, physical and

intellectual development of the citizens.

Political parties ought to be formed on political and economic questions and all communal or sectarian parties disbanded. Last of all, family life, which is the eternal school of social virtues, should be so reformed as to produce ideal citizens of the world. For this reform of family life, we must educate our mothers, teach them child psychology, give them lessons in sanitation, public health, provide each family with an economic minimum, so that the children may be brought up in a reasonable comfort and the family members may have leisure enough to take part in public affairs. It is the man with leisure who can contribute to the culture of society. A man who finds absolutely no time from his daily struggle for bread, can hardly afford to be public spirited.

TEST QUESTIONS

1. What do you understand by the terms 'citizen' and 'citizenship'?
2. Show how citizenship means the right ordering of one's loyalties to self, family, religion, city and nation. (U. P., 1928 and 1939)
3. Man's higher progress is a series of subordinations of lower self to a higher and wider self. (U. P., 1931)
4. Distinguish between natural born and naturalized citizenship. Show how citizenship is acquired and lost.
5. Citizenship is a condition of life which guarantees to the individual the enjoyment of all rights, civil as well as political, in return for the allegiance which he owes to the state. Discuss. (U. P., 1941)
6. What are the virtues necessary for a good citizen. Show how can they be best acquired.
7. How do you define citizenship? What are the obligations of the citizen towards the state? (U. P., 1936 and 1932)

8. Distinguish between good and bad citizenship. What are the hindrances to good citizenship and how can they be removed ? (U. P., 1938)

9. Distinguish between a citizen, an alien and a subject. What are the qualities which a good citizen should possess ?

10. Describe the hindrances to good citizenship and show how they may be removed. (U. P., 1938)

11. 'Citizenship' means the right ordering of loyalties. Show as to how you would adjust your loyalty to family, town, community and country. (U. P., 1939)

BOOK III

PRINCIPLES OF SOCIAL ORGANISATION

CHAPTER XX

RIGHTS AND DUTIES

In the previous chapters we have taken a bird's-eye view of the society as it has been, given in some detail as it is today.

The social organisation may, however, be used for the realisation of various ends, for example, it may be used by one nation to tyrannise over the other nations, or exploit unjustly the labour of other classes. We have, therefore, to state the ideal, which in our opinion should be served by the whole social organisation. Its ideal would determine largely the principles of its organisation. Here we propose to consider the principles of social organisation before we take up the question of social ideals. We shall proceed in our discussion on an assumption that the true civic ideal is the general welfare of every human being of whatever colour, caste, creed, age, sex or status, he or she may be. The principles of social organisation that arise from this ideal are several in number. It may, however, be stated roughly that social organisation is at its best when it is organised on a system of rights and duties, which in themselves are concerned with the interest of all and not of a few.

§ 1. NATURE OF RIGHTS

Meaning and definition of rights. The concept of rights and duties occupies a place of honour in the science of civics. The misfortune, however, is that a great vagueness surrounds the idea of right in the minds of most persons. Even among scholars there is no consensus of opinion as to its true meaning. Naturally, therefore, we find many definitions of the term 'right' given from different points of views.

Holland defines right as, "one man's capacity of influencing the acts of another by means of the opinion and the force of the society". Austin defines it as "one man's capacity of exacting from another or others acts of forbearances". Wilde defines it as "a reasonable claim to freedom in the exercises of certain activities". Krause, quoted by Green, describes the system of rights as "the organic whole of the outward conditions necessary to the rational life". *We may define rights as those claims of an individual or group of individuals to good life which are recognised by the community as essential for the common good.*

Content of rights. Rights then involve three elements :—

(1) Right is a claim of an individual or group of individuals. (2) It is a claim that is necessary for the good life of that individual or that group. (3) It is a claim which the community as a whole also recognises as essential for the good of all its members. Each element may now be briefly discussed.

(2) Every individual has got many desires which he seeks to satisfy. These desires can be satisfied only under certain conditions and by certain things. An individual, therefore, naturally desires to have those conditions and things for himself. He, so to say, claims them for the satisfaction of his wants. It is these claims of the individuals that constitute the foundation of the system of rights.

(3) But there are many claims of the individual which are opposed to this true and lasting welfare. We find, for example, individual claiming to drink to any limit, or committing suicide when in despair. Such claims cannot be called their rights, because they are against their true interests. Further we can think of rights only among persons who are capable of acting rationally, and are moral in their nature. Those who are not capable of reasonable behaviour or of doing the good cannot have any system of rights. This fact is proved by the animal world. One tiger has no rights.

against other tigers and a cow has no rights against the lion. Such creatures lack the rational and moral sense. They are slaves to their instincts, driven by them as the straw is carried by the stream. We can, therefore, say that reason and morality make a claim a right. It is thus obvious that only that claim of the individual can become his right, which is essential for his good or moral life.

(4) Finally, a claim cannot become a right unless recognised by the community. This is so for two reasons. In the first place, a man can achieve good life only in society, that is to say, he can satisfy his rational claims by co-operation with others. We have shown before that an individual cannot get food, clothing, houses, etc., unless others co-operate with him. It is thus society that makes possible the satisfaction of his claims. Society makes possible, not only the *mere* satisfaction of his claims, but also a *secure* satisfaction, if an individual does not get the support of others, he will have to depend only on his solitary powers, for securing the satisfaction of his claims. He will then be able to get only those things which he can secure by force. This will mean a struggle between different individuals for the satisfaction of their claims, and consequently, none will have any security in this respect. The recognition by society of the justice of a claim, however adds to it the power of the whole community. Society by its collective moral or physical force, sees to it that the individual gets a secure satisfaction of such claims, which have been recognised as his rights. Rights in other words can only be sustained and supported by society, and so its recognition to a claim is essential before it can become a right.

In the second place, the idea of rights arises only in society. If an individual lived alone and solitary and also possessed the power of satisfying all his appetites and desires by his unaided efforts only, he would be the monarch of everything he surveyed. He would be able to do anything he pleased without any danger whatever to himself. But man can neither live alone nor can

satisfy his wants single-handed. He has to live and work in co-operation with others. These others possess the same nature and the same claims as he does. All these have to satisfy their claims in the same world. Naturally an individual cannot be permitted to do and claim whatever he liked, because his claims and actions have consequence on the life of others, just as those of the others have on him. He must, therefore, before he tries to satisfy his claim, secure the recognition of others. It is only then that the others would permit him the enjoyment of his claims. In other words, the recognition of one's claims becomes necessary because one lives in society and has therefore to consider the claims of others as well as his own. Rights are, so to say, the conditions of social welfare. It may be said that they are as much the product of social as of the individual need.

Rights exist in a world of duties. This discussion brings us to the important problem of the relation between rights and duties. An uncritical and superficial survey may consider the two opposed to each other. A duty means an obligation, or in other words, it is something which an individual is required to do for another. An individual may think that in the possession of a right he is a gainer while in subjection to a duty he is a loser. In the former case, he is able to satisfy one or another of his desires. In the latter case, he does not satisfy any of his desires. On the contrary, he has to satisfy the desires of others than himself. This view, however, is altogether false and perverted. It is so for two reasons.

In the first place, the right of an individual always means that others should permit him or help him in its enjoyment. Unless these others are prepared to perform their duty, the claim of the individual cannot be enforced. His right is therefore, their duty. An example would make this point quite clear. The right of an individual to live means that he can claim that other persons should not inflict grievous or simple

injury on his body or kill or murder him. This at once imposes a duty on the rest of the members in the society not to interfere with his right to live. Similarly the right to property of an individual implies that he may dispose it of in any manner he likes : the corresponding duty laid on others in this case is not to take away or steal his property and not to otherwise disturb him in its enjoyment. A right on the part of 'A' thus involves a corresponding duty on the part of B, C, D, and the rest. Rights and duties, in this sense, like the two sides of a coin, are the two aspects of the same thing. Looked at, from the point of view of the individual who enjoys it, the claim is a right, and looked at from the point of view of those who permit or help the individual in its enjoyment, the claim is a duty. It is thus obvious that to every right there is a duty, that the one cannot exist without the other.

An objection is sometimes urged against the above view. It is said that an individual may have only rights and no duties, while another person may have only duties and no rights. For example, it is said that the Indian peasant is subject to the duty of making payments in cash and kind to the landlords, in return for no rights. The landlords are under no corresponding obligation to render any kind of services to the peasants. They think, they have if at all a duty to the state, in return for their above right, but none to the peasants. This view has led to the heartless exploitation of our peasants by our landlords. But this argument is not correct. As a matter of fact, right is not each and every claim of the individual which is sanctioned or enforced by the will of the community, but only such claim which is essential for common good. In this light, the so-called right of the Indian landlord over the peasant, is no right at all, but a mere power supported by organised force.

In the second place, rights are only the counterpart of duties because an individual claims right not for his own sake, but because he feels it his duty to better

himself to reach his highest stature. Every individual possesses this urge but he can satisfy it only by co-operating with others. He has, therefore, to recognise the claims to the good life of others, in order to secure the satisfaction of his own claims. His right is then at once his duty. If he claims the right to life, he must recognise a similar claim of others. If he wants freedom of speech, he must accord the same freedom to others. If he wants liberty for his country, he must allow others also to enjoy freedom. He must be no partner to the enslavement of other nations. Stated more simply, we can say that our rights are our duties because we cannot enjoy them peacefully, unless others have also similar rights.

In a third sense also, rights and duties are inter-related. A right of an individual imposes a duty on him to use that right consistently with social good. If he abuses his right by making an improper use of it, or makes it a source of injury to society, he forfeits it. For example, if an individual enjoys liberty of speech it is his duty to so use this right as not to preach violence, or spread communal poison or abuse respectable persons in public. Rights are the necessary conditions for the development of the personality of individuals. If the individuals make an improper use of their rights, the society can deprive them of those privileges.

Many of the evils of the modern world are due to the fact that we do not realise the golden rule that rights flow automatically when we perform our duties. Everyone of us is keen about the protection and preservation of his rights but none attaches any importance to the performance of his duties. If we could appreciate and act upon the truth of the fundamental statement that 'rights end in duties' the world would be relieved of much of its misery, chaos, hunger, exploitation and recurrent wars.

Rights are universal. This view makes right the property of each and all. Rights are those universal conditions on which depends the welfare of all social

men. Rights, then, do not remain the privilege of the few, whether individuals or nations. They are natural to man, not in the sense in which the social contract school writers understood the term but in the sense that they arise out of the rational nature of man, are sustained by it and are essential for its satisfaction. In other words, they are natural because man cannot be a man unless he enjoys them. They are inalienable and indispensable for this simple reason.

Rights and state. The function of the state is to maintain these rights. It does not create them, it only gives them an effective sanction. It is wrong to think, there cannot be any right except what has been granted by the state. Such a view makes the state a God, to be worshipped in its own right. The fact is, the state is the agency created by society for the maintenance of those rights which are demanded by the inherent nature of man. If the state does not recognise the fundamental rights of the citizens, it cannot be termed as a good state.

§ 2. KINDS OF RIGHTS

It is almost impossible to frame an exhaustive list of all rights that must be granted in a state to the citizens to enable them to develop their personality. Rights are dynamic in their nature and not static. They are always expanding. As already stated, they are conditions of individual and social development. Naturally they go on expanding with the expansion of civilisation and the enrichment of human personality. Each age has its own conditions, which it must fulfil before it can enable the citizens of the state to develop their personality to the maximum limits. Rights of an average man in the hunting stage could not be the same, as they are today. Human rights have greatly expanded during all these ages.

An exhaustive list of rights must include all those conditions of life, under which the complete development of the personality of man can take place. But

such a list cannot be drawn up with accuracy for all time. The only thing that can be done is to give those rights which are either enforced by the state; or public opinion, or which are considered essential for human welfare by the general consciousness of a community. *Rights may accordingly be termed as legal, moral and natural or ideal rights.*

Natural rights. Various interpretations have been given to this term 'natural rights.' Thus social contract theorists, Hobbes, Locke, etc., believed that natural rights were those rights which were enjoyed by man in the state of nature. This idea is absurd on the very face of it, because right could never exist in the state of nature, i.e., when society had not come into existence. Some writers believe that natural rights are rights which inherit in the nature of man as man but here it is not clear whether reference is to the original or primitive nature of man or to his nature when fully developed.

The natural rights can best be defined as those conditions of individual and social welfare which should be maintained in a community for the fullest development of the personality of each of its members. In other words those are the ideal rights which would be enforced in a society organised for the highest and fullest development of its members. These rights are known as natural because they are essential for the fullest development of the moral nature of man.

Every claim made by an individual for his highest development does not however *ipso facto* become a natural right of the individual. It is essential that a general consciousness must exist in the members of a community about the essentialness of that claim for the welfare of every individual as such if that claim is to become a natural right. Unless such a general consciousness exists, the claim of the individual would not be his natural right, but would remain merely an unrecognised and unenforceable claim.

The distinction between natural or ideal rights on the one hand and other rights on the other is that while the former may or may not be enforced the latter are enforced by one agency or the other.

Ideal rights. Ideal rights are those rights which are necessary for the complete self-realisation of a man and the development of his personality. Their recognition is necessary both for individual and common good. No existing state recognises all of them, though all states recognise and enforce some.

Legal rights. Rights are said to be legal when they are enforced by the law of the state. Any breach of the legal rights is punishable under the law of the land. They can be enforced in law courts, *e. g.*, right to property, right to life, right to reputation and right to free movement.

Moral rights. Rights are said to be moral when they are enforced by the moral consciousness of the society, or by public opinion or custom, but not by law, *e.g.*, right to civil behaviour, right to respect, right of a father to receive sustenance from his son, in old age, etc.

These rights cannot be enforced in a law court. Their recognition is a matter of moral duty on the part of the individual concerned. If a son does not respect his father, or does not provide him any subsistence in his old age, the father cannot enforce his right in a law court. Such rights are only sanctioned and enforced by the public opinion and the morality of the community.

Now-a-days, the tendency is that more and more ideal and moral rights are being recognised by the state and thus turned into *Legal Rights*. But all moral rights cannot be enforced by the state because the state cannot compel the citizens to be moral.

✓ § 3. CLASSIFICATION OF RIGHTS

Rights may be classified under two main heads—
Civil and Political.

✓ **Civil Rights.** They are all those rights which all individuals, whether citizens or not get by virtue of their humanity. They are enforced against all those who seek to violate them. They are concerned in the main with the protection of life, liberty and property, though they also include family rights, rights of freedom of speech, of public meeting, of press, of religion.

✓ **Political rights.** They are those rights by virtue of which individuals take part in the administration of their country or the exercise of sovereign power of the state. They include the following :—

(a) Right of vote, (b) Right of election to legislature, (c) Right to hold office and enter government service.

Discussion of political rights. (a) *Right to Vote.* The state exists for the good of all. Every person's welfare is affected by the laws of the state. In order that government be carried on in the interests of all, it is essential that each individual may have some opportunity of making his opinion felt at the seat of power. Unless this is possible, the interests of some, whether in majority or minority, may be ignored by the state. Right of vote is thus an opportunity provided by the state, to each citizen, to make his opinion felt in the councils of the rulers.

Right of vote must be possessed by all adult citizens irrespective of their colour, caste, creed, religion, sex or status.

(b) *Right of Election to the Legislature.* The other two political rights are again essential for making the government one of the people, for the people and by the people. In order that government may not be in the interests of a few only or by a few only, it is essential that each of the citizens should have the right to become one of the rulers of his fellow citizens. There should be no disqualification attached to any particular section of the community on account of caste, creed, colour, class, sex, etc. Every person must

be allowed to contest a seat to the legislature, if he so chooses. It should not be that if the right of vote is extended to all, only a few persons can contest elections. Of course general qualifications applying to all adult persons can exist.

(c) *Right to Hold Office and Secure Government Service.* Similarly, every person must be allowed, to hold office, subject to the qualifications, if any, and these must be general. Whatever qualifications are required for a particular office, must be equally applicable to all citizens without sectional discrimination. The state services must similarly be open to all members of the state. It should not be that a Harijan cannot become a Dy. Collector, or a Magistrate. If he satisfies the necessary qualification, he must not be debarred. Efficiency, honesty and capacity alone should count in public services.

Sometimes, right of petition to the highest executive officer of the state for ventilating grievances, is also included in political rights. Then again, some writers include right of protection of the citizens staying abroad, freedom of expression of opinion, right of public meeting, also under political rights. But the better view appears to include them under civil rights.

Discussion of civil rights. (1) *Personal Rights.* Civil rights as already stated are of many kinds. We will here, first of all, discuss personal rights which mean rights that touch purely the personal life of a man. Their recognition is essential for his peaceful living. These rights are said to be the following :—

(a) Freedom of movement. (b) Freedom of thought and speech. (c) Freedom of association. (d) Security of person. (e) Right to justice. (f) Security of reputation.

(a) *Freedom of Movement.* It means that every citizen should be free to move, to travel, to reside and to settle anywhere he likes, in his own country and in other countries of the world. In most of the countries,

now-a-days, for visiting another state, passports are required, and the right of absolute free movement is not recognised. Free movement enables a person to choose his career in any place, best suited to him. Further, this right means that no person should be deprived of his personal freedom by being imprisoned or otherwise except through the due process of law. In England this right is secured by means of Habeas Corpus.

(b) *Freedom of Thought and Speech.* The rights to freedom of thought, expression of opinion and formation of associations are the most important fundamental rights of all citizens in democratic states. Freedom of thought nobody can check, human mind can take full flights in any directions it chooses, but this liberty is practically useless without freedom of expression. Man wants to express his thoughts before others, to exchange ideas, and to discuss matters for arriving at truths. Human personality develops through free discussion, and ideas become more clear and rich by exchange of opinion.

Freedom of speech, however, does not mean liberty to abuse others, or to preach violence, or to excite hatred. This right involves corresponding duty on the part of the person, to respect the susceptibilities of others, to say nothing which may excite hatred or prove slanderous. Free, fearless and rightful criticism of the government or public bodies is permitted in the general interest, but nothing should be said which is false and unconnected with public welfare.

(c) *Freedom of Association.* Citizens should also be free to form associations for the attainment of some common objective. They must have the right to organise their own clubs, literary societies, trade unions of political parties. Human personality develops more fully when an individual takes an active interest in the membership of different associations.

(d) *Security of person.* Every person has the right of requiring others not to cause injury to his body or

to cause his death. All persons possess equal right to life. If a person makes an attempt on another's life, the latter must have a right of self-protection. The state must also punish those individuals who injure the body of others.

(e) *Right of Justice.* It means, that all persons should be treated equally before law. The same law courts must try all the criminals, and the same law must apply to all. None should be accorded preferential treatment and none should be placed under any special disabilities. There should be no distinction in the procedure of trial, or the extent of punishment for the same offence between men and men, on any considerations of status or colour or caste or profession. Englishmen and Indians, millionaires and paupers, Brahmans and Shudras—all must be equal before the law,

Secondly, justice must be cheap and expeditious so that even the poor may take the protection of law courts and fight for their claims. The corresponding duty of the citizens in this case is to strengthen the elements of justice in the social order and to be prepared to serve as jurors and assessors.

(f) *Security of Reputation.* It means that one has a right of preventing others from saying or doing anything which injures the reputation he commands among his neighbours. No one can cast baseless and false accusations or abuses against another person. If an individual makes an attempt to lower the position of another person in the estimation of the public and the allegations so levelled against the man are proved to be false and not in public interest, the person so wronged must have a right to sue for damages and to get a proper redress in a civil or criminal court.

(1) *Social Rights.* Under this heading we discuss the following two very important social rights :—

(1) Right to public meeting.

(2) Right to free press.

(1) *Right to Public Meeting.* In the modern democratic age, propaganda carried on through public meetings is a very important instrument of social discipline and mass education. It enables the people to express their grievances before the government and to carry on agitation against its unpopular acts. It is by means of these public meetings that political consciousness is infused in the masses. The different associations would not be able to carry on their activities without this privilege. Public meetings which are organised for a legitimate object and in a peaceful manner, must not be dispersed by force or declared illegal by the executive government of the country.

(2) *Right to Free Press.* Newspapers are the vital organs of the modern civilisation. They organise, focus, and educate public opinion on social matters. In order that newspapers may fulfil their important functions, they must be absolutely free from all sorts of undue governmental interference. A free, impartial and just press is the greatest need of democracy.

In England no social restrictions have been imposed on the press. They are not required to take licenses or deposit any security. They can publish any matter which does not violate the ordinary laws of the land. This freedom of press so generously conceded in England should be the fundamental right in all states.

(3) *Religious Rights.* Then there are religious rights and amongst these we include the following :—

(a) Freedom of faith.

(b) Freedom of worship.

(c) Freedom of religious propaganda and teachings.

(a) *Freedom of Faith.* It means that each citizen shall be free to have any belief whatever, without any danger to his life and without loss of any social benefits.

(b) *Freedom of Worship.* It means that citizens shall be free to carry on public worship, according to the prescriptions of their faith without any obstacle whatever.

The state must not impose any restrictions on people belonging to a particular school of thought, nor should individuals be subject to any civil or political disabilities, only because they believe in this or that religion. The state must be impartial.

(c) *Freedom of Religious Propaganda.* It means that religious missionaries must be at liberty to convert people to their own religion by peaceful persuasion. But this does not mean that religion can be used as a cloak for practices that are definitely injurious to the communal good—such as child marriages, burning of widows, human sacrifices, killing of infants, the institution of untouchability, etc., because these are all social evils, indulged in and enforced under the guise of a religion which people do not understand at all. Apart from these the state must not interfere with the religious liberty of different communities.

Right to religious freedom implies the duty of religious toleration. Everyone should respect the beliefs of others.

(4) *Cultural Rights.* Amongst these rights we include following :—

(a) Right to education, general and technical.

(b) Right to reading rooms and libraries.

(c) Right to research institutions, museums and other cultural centres.

(a) *Education.* It is a great socialising instrument. It equips a man for complete living. It lays the foundations of good social life. It is essential for democracy. Provision of the right sort of education free from all communal or sectional considerations must, therefore, be the first concern of the state.

(b) Secondly, to provide fresh stimulant to intellectual life of the citizens, *e. g. reading rooms; libraries, museums, etc.* must be provided. We must keep ourselves in touch with the progressive knowledge of the world and for that, the provision of all these things is absolutely necessary.

(c) The state must also maintain *research institutions* and thus help the citizens to increase the available knowledge of the world.

(5) *Recreational Rights.* After the hard day's physical or intellectual labour, a man feels completely exhausted and he needs some recreation to remove the great strain on his nerves. It is the business of the state to provide citizens with parks, playgrounds, swimming tanks, gymnasiums, theatres, cinema shows, picture galleries, zoos, dancing halls, art centres, etc., so that the people may pass on their leisure time at these places and thus recreate themselves to feel fresh once more for new work.

Economic Rights. They include the following :--

(a) Right to economic minimum.

(b) Right to employment.

(c) Right to follow any vocation.

(a) Every man in the world for leading a happy and progressive life needs wealth for the satisfaction of his various economic wants. A decent standard of living is absolutely necessary for making life tolerable and happy. A poor man bordering on starvation can hardly be expected to lead a good social life. Often poverty breeds crime, disease, immorality, and the worst forms of their social evils. It must be the concern of states to provide each citizen with at least that much of income which is capable of maintaining him in a reasonable standard of living. This is known as *economic minimum*.

(b) Secondly, the state must provide each citizen with a suitable *employment*. When individuals are pre-

pared to labour, it is the duty of the state to provide them with work. Those who cannot find employment, but are prepared to work, are entitled to receive doles from the state. The old people and invalids, who are incapable of doing any work, must be maintained by the state in poor houses. The institution of beggary must be abolished. It is the greatest nuisance of the modern civilised society.

(c) Finally, no citizen of the state must be prevented from carrying on any particular *vocation* or business, only because he happens to be born in a particular class. Neither custom nor law should bar any career for man. In India this right to follow any vocation is not conceded to Harijans who are condemned all their life to be hewers of wood and drawers of water. They are not allowed to invade the domain of the more sacred professions reserved for caste Hindus. A sweeper by birth cannot be a confectioner or a cobbler or a pandit. All these restrictions must be removed.

(7) *Right of Private Property.* There is no right about the maintenance of which there is so great a difference of opinion amongst the different politicians as that of private property. Some socialists and all communists hold that right of private property perpetuates indolence, parasitism and exploitation in human society, and as such it must be abolished. Some other political thinkers believe that right of private property is a fundamental right which all citizens must possess. Private property, according to them is necessary for the development of character and for giving a person a sense of security and independence. Both these views appear to be partly correct. It is true that the right of private property in the modern age has led to the heartless exploitation of labourers and peasants by capitalists and landowners. This evil, however, has arisen because capitalists and landowners have been left to do pretty much as they liked with their resources. It can be satisfactorily eliminated if the state, as the representative of the community, begins to

exercise effective control over the propertied classes in the use of their property. We may own a house, a car, a park and other necessities of life for our own personal use, but not for sub-letting to others or for exploiting others. The provision of some private property is necessary for providing an incentive to work and for enabling citizens to develop their personality.'

(8) *Family rights.* They are :—

(a) Right to free marriage.

(b) Right of divorce.

(c) Right to free enjoyment of family life.

(a) *Right to Free Marriage.* Hindus believe that marriage is a sacrament that binds a husband and wife in spiritual bonds of unity for the mutual development of their personality. But some other religions believe that marriage is a simple contract between a husband and wife for mating and for securing the happiness of human life. Whatever it be, marriage is that fact of life on the success of which depends the entire happiness of a person. The person to be married must have freedom in choosing their life partners. They must, however, exercise all due care in doing so. Considerations of caste, creed, or religion must not be restrictions on such a choice.

(b) *Right of Divorce.* It is again essential, in order that home life may not become a hell for man. It is but likely that people would commit errors in choosing their partners. If they are to be tied to the partner once chosen who may be unsuitable, it is but inevitable that their life would become most unpleasant. They must have, therefore, a right of divorce.

(c) *Right to Free Enjoyment of Family Life.* No outsider must have anything to do with the private affairs of any one's home life. The children and other members of the family must be prevented from gross ill-treatment by others. This right to family life imposes important duties on the parents, to properly educate

their children, to prevent them from falling on the path of error, to tenderly bring them up, to prevent them from disease and finally to train them up for their complete part in life.

Fundamental rights. The rights enumerated above are sometimes classed as fundamental rights of the citizens living in a state. In most of the democratic countries some such fundamental rights are guaranteed to the citizens by the constitution. They are considered as sacred rights and cannot be violated by the executive government except under specified conditions.

§ 4. DUTIES

Meaning. A duty means an obligation. It is something that we owe to others. It implies that one person is bound to do something or refrain from doing it because another person can rightfully demand such action or omission from him. ✓

Rights and duties. Duties are the counterpart of rights. They both go together. In the above list of ideal rights, we have seen that with every right a corresponding duty exists on the citizens. Rather we can say, that every right involves two corresponding duties on the part of citizens. The one duty is that the citizen must properly enjoy his right and the second is that he must allow others the same right or liberty, which he demands for his ownself, *e. g.*, a right to vote means that a citizen must properly exercise his right of vote, and that he must allow others also the same liberty to express their choice in favour of any one candidate, as he himself has done. ✓

Kinds of duties. Duties, like rights, may be ideal, moral or legal. *Ideal duties* are those that a citizen of the state should fulfil for contributing the general happiness of the community. *Moral duties* are those which are enforced on the individual not by the law of the the land, but by the force of public opinion or the moral conscience of the individual, *e. g.*, duty to

respect his parents, or to be sincere and faithful or help the poor. *Legal duties* are those which are enforceable against person by the law of the state, e. g., a duty not to injure the body of another, or to steal away things. All legal rights are protected by the law and so a breach of a legal duty is punishable in court.

Duty may be on an individual or on the society in general. *A* borrows money from *B*, it is *A*'s duty as such to pay back *B*'s money. Again *B* owns a house; all members of the community owe a duty not to interfere with it. In the latter case *B*'s right is a duty of the entire society.

Civics lays more stress on duties. Civics lays stress not merely on the rights of citizens, but a greater emphasis on the duties of citizens. The best way to secure one's rights is to do one's duty.

Rights flow automatically when we perform our duties. Many of the social evils of the modern world are due to a lack of appreciation of this fundamental truth and would disappear once it is fully granted and acted upon.

Some important duties of citizens towards the state. We have seen above that the scope of duties is as wide as the scope of rights. But here we would consider some important duties which a citizen owe to the state.

(1) *Duty to Obey the Laws of the State.* Laws are enacted by the state for the welfare of the community and for procuring peace and order in society. It is the duty of every citizen who has the welfare of the state at heart to obey the good laws of the state. A detailed discussion of the limits of obedience is given in the chapter of law but here it is sufficient to say that in general, citizen should obey the laws of the state.

(2) *Allegiance.* It means loyalty of the citizens towards their state. A citizen must not be treacherous towards his country. If war breaks out he must not

side with the enemy or serve as his spy. Allegiance involves the following duties on the part of citizens.—

✓ (a) *Duty to Serve in the Army.* If the safety of the country is in danger, it becomes the duty of every citizen to defend the independence of his country even at the sacrifice of his life. This duty may be compulsory or voluntary.

(b) *Support of public Officers.* It is an essential duty of every citizen to help the police or army in maintaining law and order in society by assisting them in the capturing of thieves, bad characters or the suppression of revolution or a riot. ✓

✓ (c) *To pay Taxes.* Now-a-days when the functions of the state have grown so wide, money is an essential requisite for the performance of all these duties. Taxes are, therefore, imposed by the state to collect all this money. It is the duty of every citizen to pay these taxes.

(3) Other public duties are in the nature of *moral duties*, which citizens must perform for the betterment of social life and the general welfare of the community. Such duties are those, as proper recording of votes, holding public offices, imparting right type of education to children, securing conditions which conduce to public health; e. g., keeping one's surroundings clean, preventing contagious diseases, etc., providing relief to the poor, patronising indigenous goods, defend national causes and fight for national honour, etc.

Of all these duties, the duty to vote is the most important. Vote is a sacred trust on the nation placed in an individual. It must, therefore, be exercised, with discretion, honesty and deliberation. No communal, sectarian or personal considerations should influence the individual in casting his vote in favour of any particular candidate. The welfare of the community must be our sole guide in the discharge of this as of other duties.

§ 5. RIGHTS AND DUTIES IN INDIA

In India we enjoy very few rights and whatever rights we possess, are not properly safeguarded by the executive government of the country. Public servants in India consider themselves not as the servants of the people but as their masters. They are not responsible to legislature, or to public opinion. Their responsibility is graduated and hierarchic, an inferior officer being answerable to his superior and then this superior to a higher official and so on.

The rule of law though it prevails theoretically in India, is subject to several exceptions. For example certain high officials are free from arrest or imprisonment. Others cannot be tried in an ordinary court of law except with the previous sanction of the local government—which is very seldom given.

Liberty of Press. In England press is absolutely free. No security or license fee is taken from any press. But in India the press is subject to severe restrictions. The local government can forfeit the security deposit of a newspaper, can stop its publication altogether, and further, can prosecute the editor or printer of a paper that has displeased the government, or criticised its actions in too strong a language.

Liberty of public Meeting. In England no meeting which has been called for a lawful purpose and is being conducted in a lawful manner can be dispersed by any public official, right down from the secretary of state to an ordinary police man. In India the use of Sec. 144 enables the executive to disperse by force any public meeting, to prohibit the holding of meetings in a particular area for any prescribed period, and to stop processions.

Liberty of Association. In England and other countries people can form any number of associations for the promotion of their common interests. In India, the G. G. can declare any association as illegal if, in his opinion, the continuance of that association is

detrimental to the peace and tranquillity of India. The Congress was declared an illegal body during the last civil disobedience movement as it has been declared in the present movement.

Right of Free and Open Trial. It is the fundamental right of every citizen and as such is guaranteed in every country of the world. But in India under regulation 1818, and under various ordinances, persons can be detained in jail for any length of time, without any open trial in, or their formal conviction by any law court.

Right of Free Movement. It is similarly checked in this country by serving an order on a person under Sec. 144 and thus preventing him from leaving any particular area. The government similarly controls the movements of political suspects in other countries by passport regulations.

Right of Free Speech. It is held in check under Secs. 144 and 124A. Any person who says anything to promote disaffection of the people of India, against British government, can be tried for sedition and sentenced to transportation for life. This Sec. 124A is very frequently applied in India to prevent the political workers from making any agitation.

The executive is greatly protected and widely armed with discretionary powers in this country. It has Sec. 144, the power to make acts, issue ordinances, certify laws, impose taxes, to impose punitive police, to regulate free movement and so on.

TEST QUESTIONS

1. What do you understand by the terms 'rights and duties.' What are their various kinds?
2. "Rights are born in a world of duties." Comment. (U. P., 1937)
3. Rights and duties are co-related to each other. (U. P., 1940)
4. What are the more important rights which a citizen should possess? Show how far are they ensured to the citizens in India?

reason or the other, have to go to the dogs. The child, for example, will find himself dying if he is left alone. This will also happen to the wounded and the aged. It will be in other words a liberty to die or starve and not a liberty to act according to one's will. It will be liberty on the conditions that cannot be enjoyed. Such a liberty can never be desired as the principle of social life.

True meaning of liberty. We, therefore, come to the conclusion that liberty cannot mean either (1) absence of all restraint; or (2) minimum of interference. Liberty is not merely negative. It is, in the nature of things, both negative and positive.

(a) In the first place it is negative which means exemption from control. A certain amount of freedom, power of initiative right of independent thinking is necessary for the development of an individual's personality. It is the business of the state to prevent vexatious interference with the freedom of action of an individual, and to provide him free scope for the development of his personality. Liberty in this sense means hindering of hindrances to good social life, or in other words, the absence of those restraints which prove a hindrance in the way of the maximum development of an individual's personality.

(b) In the second place, liberty implies the recognition of rights, i. e., presence of those positive conditions of good social life, without which the development of an individual's personality would be impossible. We may say that liberty is a social condition in which individual has opportunities to realise his highest powers. It is, in the words of Laski, *"the eager maintenance of an atmosphere in which one can realise his highest self."*

Sovereignty and Liberty. To an average man it may appear as if there can be no harmony between authority and law on the one hand, and liberty on the other. One may feel that when he obeys the state, he is not acting freely, but under compulsion. But a searching analysis will reveal that some authority is

necessary for the maintenance of liberty. We have said above that one can be free only when he is secured in his rights. But human nature being what it is, there are always persons in society who out of perverseness or ignorance, violate the rights of others. Rights have, therefore, to be protected against such encroachment and violation. This protection cannot be effectively undertaken by each individual for himself. If this were attempted, the weak shall not be able to protect his rights. Further, there would be no guarantee that some people would not misuse their rights to the detriment of others. An impartial and supreme agency is, therefore, required to maintain the rights of all. This impartial and supreme agency is the state. It is the superior power, or sovereignty of the state, that guarantees the safe enjoyment of the rights to each individual. It inflicts punishment on those who violate the rights of others, and thus prevents any effective disturbance or violation of the system of rights. We thus find that sovereignty of the state enables each to enjoy his liberty or in other words, it is the pre-condition of liberty.

The statement that sovereignty is the condition of liberty does not mean, however, that government always uses the sovereignty to maintain liberty. It may do so or it may not. This depends on the nature and organisation of the state. We find that many governments in the past used their power to crush liberty, and we also find many governments doing the same even today. The abstract need of sovereignty for liberty therefore, must never be confused with the actual relationship between the two prevailing in any particular state.

Law and liberty. Liberty not only postulates authority but also law. In other words, liberty can be successfully maintained for all when and if there exist compulsory rules which define the rights of each and all. Law, in other words, points out to man what he can do and expect from others and what he cannot. It is the standing guide of each man in his relations with

others. Liberty cannot exist unless such ruler existed. In their absence, one would not know where his claim ended and that of another began. There would be confusion all round and consequently conflict.

Example. An illustration would make our point quite clear. Roads can be used by the pedestrians and by the vehicle owners for the purpose of going from one place to another. The right of each to walk on the road is guaranteed by the state. Now, suppose, there be no rule of traffic on the road, the result would be that a great confusion on the road would occur. All individuals and vehicles would be moving in a confused mass. There would be great danger of loss of life and danger to property. All this confusion and danger can be removed by a very simple law known as the 'rule of the road'. Under this law, everyone knows that he has to move on the left side of the road. He can, therefore, move in perfect order and safety.

The above illustration gives us a glimpse of the world as it would be, if there were no rules which all observe. Communities would then be a confused mass of individuals, jostling, and squeezing, and pushing one another. A rough idea of this condition can be got from what happens at the 3rd class railway booking offices, or platform gates meant for 3rd class passengers during the time of a mela. Nobody means ill to any other and yet the people are crushed to death by the crowd. The absence of laws would make society such an affair, and no liberty would remain to its members. Laws are thus essential for the exercise and enjoyment of liberty.

Every law does not promote liberty. This statement again does not mean that each and every law promotes liberty. Laws might be made by government, representing selfish individuals or selfish nations which secure liberty only to the law makers, and deny it to all others. This has happened in the past and this happens today. It is thus a question of fact whether a law promotes liberty or not. The Rowlatt Act of India

could not be said to promote the liberty of any individual. As a matter of fact it was calculated to crush their independence and freedom of thought. But still the truth remains that some laws are absolutely essential for the use of liberty.

Necessity of liberty. *The Wrong View.* We may now consider the problem, why liberty is an essential principle of social organisation. We find in modern times many people saying that social organisation should not allow any liberty to its subjects of doing or thinking as they please. It should on the contrary dictate to them. This view is supported by the Nazis and Fascists on the ground that the ordinary individual does not possess the capacity of knowing what is best in his interest. He is a creature of passions and prejudices and incapable of taking a long and sane view of things. He is attracted more by momentary pleasure than by abiding happiness. It is, therefore, wrong to let him act for himself. In letting him do so, not only he is being permitted to ruin himself, but society also loses his energy which could have been utilised for a better purpose. Social organisation must, therefore, dictate to him through schools, radio broadcasts, churches and laws, what he is to, and not to think and do. The true motto of social policy should be to promote the '*real good*' of each individual and not his seeming good. This good can be known by those who are disinterested, farsighted, and intellectually gifted. They are, then, to rule and to dictate; while others are to follow. This view is further supported on the ground that only those individuals should have power of action in society, who know best how to act. If each individual is given liberty to influence social policy, there shall remain no efficiency in society, because society would become divided between those who advocate one policy and those who do another. This division may paralyse the social organisation, and will, in any case, make it a wooden horse, slow and clumsy in motion. It can act most efficiently, only, when it is so organised that the most intelligent command, the

strong defend, the business-like produce and the obedient serve. It is on such a view that the Hindu social system depends.

The Correct View. We, however, feel that the above view is false and dangerous. In our opinion liberty is absolutely essential for the efficiency of social organisation and the promotion of individual welfare for the following reasons :—

(1) No social organisation can be called efficient merely because it acts quickly. Its efficiency is determined not by its capacity of speed, but by its capacity of fulfilling the object for which it exists. The object of all social organisation, we have assumed for the present, is the welfare of all its individuals. We have, therefore, to see how far a dictatorial organisation can realise this end.

(a) Dictatorship fails miserably in realising this end, firstly, because it suffers from inability to correct its errors. Only that government can mend its mistakes which permits free criticism of its policies by those over whom it rules. Such a government gets different points of views and naturally can act upon the best. A dictatorship, however, cannot know its error because it does not permit criticism of its policies. It can learn its errors only by its overthrow. It is, therefore, neither an efficient nor a stable structure.

(b) Further its effects on the rulers and ruled are demoralising. The rulers become selfish and tyrannical and the ruled cringing and hypocrites.

Liberty, on the contrary, keeps the rulers responsive to the people and gives dignity to the individual. It is thus essential for the efficiency of social organisation.

(2) Liberty is also necessary for the promotion of individual welfare—A social organisation consists of men and is good or bad according to the character of its people. But no community can have any number of good men if it denies liberty to its individuals. The reason is that men can grow into great and moral be-

ings only in an atmosphere of liberty. They can develop confidence in themselves when they have met difficulties and overcome them, can have initiative and resourcefulness when they have to devise their own course of action in the face of risks on either side. 'We become wiser by committing mistakes,' is a saying, which contains a very great truth.

Conclusion. We thus conclude that liberty is the fundamental principle of social organisation. It is the condition which makes possible the moral development of the individual and the progress of society. Liberty must be extended to each and every individual, and not only to those who are privileged few. In other words, all men must be treated on an equal footing in so far as their right to liberty is concerned.

§ 2. KINDS OF LIBERTY

Liberty is of various kinds: civil liberty, political liberty, liberty of speech, liberty of movement, liberty of public meeting, liberty of association, liberty of press, liberty of conscience, liberty of vocation, social liberty, national liberty, economic liberty, etc. ✓

Civil Liberty means right to protection of the civil rights of the individuals against undue interference of the state, or of some other individuals. It includes liberty of person, of association, public meeting of religion, press, etc.

Liberty of Speech means freedom to express one's views and ideas on questions of public importance.

Liberty of Conscience. It is the freedom to believe in the tenets of any religion in the world.

Liberty of Press. It means the free publication of the newspapers in a country without any special restrictions under the press Acts, though always subject to the ordinary law of the land. In England the press is free, but not so in the case with India.

Liberty of Movement. It means that a person is free to travel and settle in any part of the country that he pleases.

Liberty of Association. It means that the citizens are free to form and join any association in the country established with a lawful aim.

Political Liberty. It means the right of the people to a share in the administration of their government. Liberty of vote, to secure government service and to stand up for public election these are the important rights included in political liberty.

Economic or Vocational Liberty. It means the right of a person to select his own occupation, uninterfered by custom or status. It implies the unrestricted right of an individual to earn his own livelihood in any lawful manner that he pleases.

National Liberty. It means the right of every nation to political independence and self-government. No country must deprive another of its liberty and birth right to remain independent. It is only in a free country that citizens can fully develop their personality and attain the virtues of a civic life.

TEST QUESTIONS

1. The only true foundation of liberty is law and order. Explain. (U. P., 1928)

2. Explain the proposition that law is the real basis of liberty. (U. P., 1940)

3. Life liberty and the pursuit of happiness are the inalienable rights of man. Comment. (U. P., 1929)

4. What do you understand by the terms equality and liberty? (U. P., 1932)

5. What do you understand by the terms liberty and equality? Discuss the different meanings which have been given to them. (U. P., 1934)

6. What are the various kinds of liberty?

7. What is the ordinary view of liberty of a man in the street? What is the correct view?

8. Define liberty. Comment on the statement "Restraints are necessary for the enjoyment of liberty." (U. P., 1941)

9. It is the right of the individual to be free. It is the duty of individual to obey. Is there any conflict between these propositions. (U. P., 1936)

10. How are the conflicting demands of law and liberty reconciled in a modern community? (U. P., 1939)

CHAPTER XXII

EQUALITY

Arguments against equality. Equality is, like liberty, an important condition of good social life. We find, however, that some very eminent thinkers consider it a dangerous principle. In their opinion equality destroys individual liberty and debases the social organisation. The reasons for their views may be briefly summed up as follows :— p. 109 & .

(1) In the first place, they argue that men are by nature unequal. Some are born strong, while others are weak : some are intelligent while others are dullards and so on. Men differ in their mental and physical capacities so widely that only a blind person can fail to see them. In the face of this natural inequality, it is futile to talk of equality between man and man. Brass cannot be polished into gold. There cannot be, therefore, in their eyes a greater monstrous fiction than the doctrine of equality.

(2) In the second place, not only it is impossible to achieve equality between man and man, it is also unjust to the gifted, the industrious, and the honest. A gifted and industrious man is more valuable to the community than a common place, lazy or dishonest man. The former makes contributions to life that make it definitely more enjoyable and good than it otherwise would be. The latter are, on the contrary, either mere burdens on society or if at all they contribute anything it is not of any great value. It is, therefore, against all ideas of justice that the former and latter be given equal rewards and otherwise treated as completely equal among themselves. It is monstrous to think that a college peon or a coolie is entitled to the same economic reward, political power and respect as a Gandhi or Tagore.

(3) Further, these persons require a different atmosphere for the development of their personality than that which is required by a coolie or a college peon. Equality by denying the gifted people the special conditions in which alone they can develop their personality, makes their free action impossible. These thinkers, therefore, believe that equality should not and cannot have any place in the scheme of social organisation.

The above criticism of the doctrine of equality is based on a wrong view of the term. The criticism is based on the assumption that equality means: (1) equality of capacity among men or (2) equality of reward given to all men. Equality, however, as we point out below, does not mean either of these two things. The whole criticism, therefore, becomes pointless.

Correct view of equality. Equality correctly speaking means equality of rights of each citizen.

Each citizen is to be considered entitled to his fullest development. Each is to get adequate opportunities for realising his best self. None is to be denied the conditions of his welfare. In other words, equality means social impartiality. Men are no doubt unequal by nature, but the ends of justice require that this natural inequality is not to be increased by imposing certain handicaps on any section of the community. In the present condition of things, many individuals find themselves differing from social handicaps as against their more fortunate neighbours and consequently fail to realise all their potentialities.

The Indian women, for example, do not possess the same opportunities of securing their happiness as Indian men get. Naturally, the former remain mostly stunted in their bodily and mental development. A poor man's child lacks the funds wherewith to prosecute his studies or to properly nourish himself. Naturally, he remains uneducated and underfed. It is

quite possible that such a child may have possessed the mind of a Milton and the talents of a Shakespeare but he dies without ever being able to develop his talents. They are prevented in their growth not because they are naturally incapable but because society has placed obstacles in their path. The principle of equality only demands that no individual, merely because of his caste, colour, creed, sex, or occupation, is to be denied any of the opportunities for self-development which are open to others. It demands the abolition of all social handicaps from which certain individuals suffer and seeks to provide to every child born, adequate opportunities for its highest development.

The principle of equality involves both a negative as well as a positive aspect. *Negatively* it involves the absence of all social privileges. It involves that no person shall be considered inferior *simply* because of his birth, or colour, or caste, or occupation. *Positively* it means the provision of adequate opportunities to each individual for his highest development. Both these elements demand that equality of the following kinds should be maintained within the community.

Kinds of Equality. (1) *Social Equality*. Every person within society shall be considered of the same social status as any other. No person shall be considered of inferior blood. No person is to be treated as a pariah. An important section of the Indian population, for example, is treated as untouchable and in some cases as unapproachable. These people are not permitted to mix in any manner with the high caste Hindus. They cannot enter the Hindu temples nor can draw water from the caste Hindu wells. They cannot join the schools and colleges open for caste Hindus. Even their shadow is considered polluting. The position of women is not much better. They are also considered in this country as the slaves and shadows of the menfolk. Both these cases are examples of staggering social inequality. Such inequality poisons the springs of social life. It is, therefore, essential that social equality be maintained in society.

(2) *Civil Equality.* It means that in the eyes of law, all shall be treated of equal status. Every individual, whether rich or poor, official or non-official, lord or commoner, clerical or layman shall be subject to the same law and triable in the same courts. Unless such an equality exists justice would not be impartially administered.

(3) *Political Equality.* It means that every person shall have a right of contributing his experience and judgment on social problems to the ruling authorities of his country, and of expressing his choice in the selection of those who are to carry on the government. In other words, it means that one man shall have one vote and no more. Such a political equality can be secured only when, individual, not class, is made the unit of political organisation. Further, political equality involves that every person, provided he has the inner capacity to do so, should be entitled to hold any office, whether in the Legislature, the Executive, or the Judiciary, which is open to any of his neighbours. In short, it means equality of Political rights.

(4) *Educational Equality.* It means that every child born within the community shall be entitled to receive the highest education for which he is capable. This does not mean that every person is to get the same kind of education. Education must be free and compulsory. Every educational institution must be open for every deserving student irrespective of his caste, colour, creed, etc.

(5) *Economic Equality.* We have seen in the preceding paragraphs that efforts are being made in all the civilized countries of the world for establishing political, civil and social equality. But there is one sphere—the economic sphere—in which equality is difficult to achieve.

Early democrates believed that it was possible to establish Political equality (universal suffrage or right of vote to all people) and yet retain economic inequality. They thought that if everyone was given equal

political rights by means of universal suffrage and equal social opportunities by means of universal education and civil and social equality, then democracy could be established and worked successfully leaving industry and trade in private hands, with inequality of private income as the necessary result.

About the middle of the 19th century, people began to argue that it was impossible to get equality of opportunity without equal distribution of wealth. Large number of people at the present time believe that political democracy is a sham, unless there is equal distribution of wealth among all classes. Poverty, hunger, starvation, misery and squalor on the one hand and plenty, superfluity, magnificence and grandeur on the other, cannot go side by side in a democratic state. The poor people are bound to be seduced by bribery and appeal to their baser passions at the time of general elections. Rich people who can spend large amounts of money in conducting elections, in purchasing votes, in making propaganda by owing some newspapers, broadcasting apparatus, etc., can surely hope to succeed in elections. The poor people will get no opportunities of voicing their grievances or sending their representatives to the legislature, because all this means money, which they lack. The capitalist system, therefore, under which a comparatively small number of people make large profits at the cost of the exploitation of the poorer people, is incompatible with democracy.

This view is also called socialism which argues that it is only by getting rid of the capitalist system and by putting the control of trade and industry in the hands of the whole community, that man can achieve a genuine system of equality. Equality is, therefore, the goal of all democrats including socialists. Without equality of opportunities all people cannot reach that high status of moral and intellectual advancement, which is so necessary for the progress of civilisation and the enrichment of the culture of all communities in the world.

Equality and liberty. Thus understood equality instead of being opposed to liberty is an essential condition of it. It is only when equal opportunities are provided to all that a man can be really free to develop his personality of powers according to his choice. In a society where social privileges and differences in income are the rule there can be hardly any liberty for those placed in a position of inferiority.

Necessity of equality. Equality is necessary both for individual good and social stability. The individual, as such, cannot achieve his welfare unless he has adequate opportunities provided to him. In the absence of these he may remain undeveloped and stunted. A poor man's child may have the gifts of a Shakespeare or a Kalidas, and yet, may pass his days in hard toil for the earning of his livelihood, without getting a moment's leisure to realise these gifts. In other words, such an individual would have had no liberty of achieving his welfare. Further, if some men are given opportunities denied to others, the likelihood is that they will also secure the power of the state and rule in their and their interest only. For example, the landlords prior to the French Revolution had privileges denied to the serfs. These landlords by virtue of these privileges exercised a voice in political affairs denied to others, with the result that the government was carried on in their interests and not of the poor people. In India today, the landlord occupies a similar position and consequently has got a greater control over the government than the peasant. He enjoys liberty of action which the peasant does not possess. Equality is thus essential for the maintenance of the liberty of all.

It is necessary for social stability, because no society can continue for any length of time, in the midst of which, there exist a large number of persons who feel that society is preventing them by its inequalities from reaching their highest development. Such people revolt sooner or later, It is for this reason that

Aristotle considered inequality as the most prolific breeder of resolutions. Social efficiency also requires that society should get the benefit of the experience of each and all the individuals. If this happens, the chances of error would be minimised. Equality is thus essential from every point of view.

TEST QUESTIONS

1. It has been said that the doctrine of equality is a monstrosity. What do you think? (U. P., 1929)
2. What is the necessity of the recognition of the right to equality?
3. What are the various forms in which the term equality is used?
4. Point out the importance of economic equality for the greatest good of man.
5. What is the true nature of the right to equality? How is it misinterpreted by the layman?
6. What do you understand by the terms equality and liberty. (U. P., 1932, 1934)
7. What do you understand by the term equality? Is it desirable to establish equality of all men in society? In what sense is it possible to secure equality? (U. P., 1938)

CHAPTER XXIII

NATIONALITY

The principle of nationality is a very important basis of political and social organisation in our times. Its appeal to some minds is so great that the nation has become a God to them. At its altar they are prepared to sacrifice everything that they value as individuals. It is the latest religion with its deities and dogmas, prophets and priests, heroes and martyrs. This intense devotion to nation is the product of an assumption that each nation is, like the individual, a living organism with its own will purpose and ends, apart from those of the individuals who constitute it. It has, like God, a superior and mystical existence which can be felt, though it may not be seen. It is the great mother, having as its children, all those who have been, all those who are, and all those who shall be. Individuals may come, and individuals may go, but the nation goes on for ever. All that an individual possesses is the gift to him of the nation. He has no life or culture of his own. He is merely a means for the good and glory of the nation,

The belief in the spiritual and organismic unity of the nation has led to the growth of the theory of nationalism.

Nationalism its Meaning. Nationalism is that theory which advocates that the nation must be the final and ultimate unit of political organisation. In other words nationalism wants each state to have one and one nation alone within its boundaries.

The case for national self-determination. Nationalism is advocated for the following reasons :—

(1) Each nation has interests, institutions, and ideals which are peculiar to itself. India, for example, has her own languages, religions, industries, and cultural as well as political ideals which are different

from those of Englishmen as well as all other foreigners. Each nation can secure the protection of these interests when it has sovereign power in its own hands; and has also freedom to determine the ways and means by which they are to be protected and promoted. No other nation, however, civilised or well intentioned it may be, can perform this function as efficiently as the nation concerned can do. It understands its interests best it has the deepest concern for their maintenance, and it has the time and energy to do so. The nationalist therefore asserts that each nation must have its own sovereign state to look after its interests.

(2) Some of the nationalists further believe that the ideals of Liberty and Equality can never be realised in the world, until all nations are free. The rule of one nation over another makes the members of the ruled nation slaves of the ruling nation. They lose all their liberty of action and equality of rights. Even the citizens of the ruling state lose their freedom and equality, because their government gradually develops a dictatorial habit on account of its autocratic rule over the subject nation. Thus, the Indian nationalist argues that individual Indians have no liberty or equality in the country because India is a subject nation. In England also, it is said, there exists a class which rules over others because of the benefits it derives from India. In short, nationalism asserts that national self-determination is the first condition of individual liberty and social equality.

(3) Thirdly, the nationalists argue that world peace and civilisation also depends on the recognition of the principle of national self-determination. His contention is that if one nation rules over another, world peace remains in danger in two ways. In the first place, nations which do not rule over others feel jealous of the one who does. They, therefore, want to rob the other nation of its empire and try to build an empire of their own. The struggle for empires, thus

results in wars which prove more and more destructive. In the second place, the subject nation always seeks to win back its independence. It always remains ready to revolt at the first favourable opportunity. Thus the peace of the world remains always unstable, as is shown by the European and world wars of the 19th and 20th centuries.

(4) Fourthly, each nation, on account of its peculiar genius, can make great contributions to world civilisation and culture. Its subjection, however, cramps its growth and consequently it remains incapable of making any sound contribution.

(5) Finally, the nationalists assert that nation state develops a greater spirit of patriotism and loyalty than is possible in a multi-national state. The citizens in a mononational state feel that the government is theirs and they are of the government. In other words, they find that their government is the custodian and guardian of their cultural, political and economic interests. The citizens, therefore, remain constantly ready to sacrifice their all for the sake of their state.

The nationalist, therefore, comes to the conclusion that each nation should remain completely free to determine its life in its own way.

Internationalism. The views of the nationalists expressed above have been vigorously attacked by those who may be termed as advocates of cosmopolitanism. These people point out that the social life of today is not confined to nation only; it is now world wide. Today whole world has become one community, on account of the evolution effected by the quicker means of transport, the large scale industry, and the rise of modern science. The railways, the steamships, the aeroplanes, have abolished the barriers that separated nation from nation in the past. The telephones, and the telegraphs have knit the whole world together into a unified whole. An Indian peasant sowing cotton suffers if there occurs a large scale strike in

Manchester or Osaka, because the demand for his cotton is lowered and consequently the prices fall. The economic interests of the whole world are, therefore, inter-connected. Again, an Indian today reads the books of Tolstoy, the dramas of Shakespeare, the story of Maupasant. He sees the moving picture of America, England or elsewhere. This is the case with men living in all countries. The culture of the whole world is thus, essentially identical.

This geographic, economic and cultural unity of the world demands the establishment of an international government which may look after the interests of all the countries in the world. Man should feel himself now a citizen of the world and not of the nation. It is only when he does so that the peace and progress of the world would be secured. The cosmopolitan, therefore, rejects the nationalist claim altogether.

He further points out that nationalism is undesirable in modern life for another reason as well. The national sentiment is based on narrowness, conceit and hatred. A nationalist takes pride in his exclusiveness and difference from other men because he feels that he is superior, to others, that he is more civilised, more vigorous, more moral, more pure in blood than others. This sentiment thus makes humanity a house divided into many bitter and hostile sections. It narrows down the vision and sympathies of men, fills them with a false sense of prestige and egotism. It narrows the political outlook of the people and creates a sense of political seclusion. It creates national jealousy and ultimately leads to wars. All this means a danger to the happiness of man. The sentiment of nationality, in short, is a misfit in the world of today. Now-a-days, the national frontiers no more divide man from man. Nationalism must, therefore, go and cosmopolitanism must take its place.

Conclusion. We think that both views contain truths as well as errors. The national claim has great

force inasmuch as for certain purposes nations act as individuals. They do not feel happy when they are at the complete mercy of others or are slaves. Every nation is entitled to its freedom provided that this freedom is used for the good of the great community. The freedom must not mean that the nation is entitled to do anything it pleases. Today in the world we notice all this anarchy and war because the nations do not act with due respect for the rights of others. They must surrender their claim of doing whatever they like. They must agree to subject themselves to the rule of law in the conduct of their international relations.

We thus find that what is required is not the abolition or the dedication of the nation but the reconciliation between the nation and the world. This can be brought about through internationalism which stands for the free federation of the free nations of the world. In such a federation each nation will be granted complete freedom in its internal affairs, while it will be subject to a world government in the affairs of common interest to all the nations. The federation of the world and parliament of man should, therefore, be the goal of the organisation of modern society.

TEST QUESTIONS

1. What is Nationalism and Internationalism? Are the two necessarily incompatible? (U. P., 1930)
2. What do you understand by Nationalism? What are its salient features? (U. P., 1933)
3. What are the abuses of nationalism? How can they be best removed?
4. Discuss the importance of nationality as a factor of social organisation.
5. What are the factors that have given rise to internationalism? How would you reconcile nationalism and internationalism?
6. What is nationalism? Would it be correct to regard it as a menace to world peace?

CHAPTER XXIV

CIVIC IDEALS

There are two ideals which have dominated the lives of individuals and nations, in all ages, in all periods of history and in all countries of the world, (1) the power ideal and (2) the service ideal.

Under the inspiration of the first ideal, the individual aspires to get more and more power, name, fame and glory. He wants to become, if possible the most powerful person on the earth, a person at whose moving of the finger the world may rise or fall, may prosper or decay. Under the inspiration of the second ideal the individual does not seek to enslave the world for personal glory. He wants to serve the most miserable, the most afflicted, the most unhappy and the lowliest persons in the world. He wants to remove all poverty, degradation, misery, squalor, hunger, strife and warfare from the world. He is always prepared to sacrifice his home and hearth, his joy and happiness, his money and body, and his all, for national honour, for the service of the poor and afflicted.

The problem before us is to decide which of these two ideals should be served by a citizen and his society. We shall not consider these ideals in the abstract but in their varying applications that we find today.

When the power ideal is applied to a nation it assumes the shape of imperialism.

Imperialism. *Meaning.* The word is derived from the Latin word 'Imperium' which means authority or Empire and as such it refers to a desire of the more powerful nations in the world to rule over the weaker and backward people like the negroes of Africa or races of India. It may be defined as a system by which one nation rules over other nations. It is as old as human civilisation. It has assumed different shapes at different times, and was produced by many

varying causes in different ages. Alexander's empire and later on the Roman and Holy Roman Empire were also based on this policy of imperialism.

Causes of Growth. The most important cause behind the rise of imperialism is the search for power, or domination, though it is produced by a number of other factors also.

(1) *Intense Nationalism.* Firstly, imperialism is a product of intense nationalism. It is sometimes described as 'nationalism run amuck.' Nationalism stands for the glory and greatness of the nation. No person can be a nationalist unless he feels that his nation has some quality for which he can be proud, and on the basis of which he can consider himself as distinguished from all men belonging to other nations. This greatness of the nation becomes vivid to him, if his nation rules over others and thus becomes a world power. The nationalist feels elated when he sees an ever-increasing block of red, yellow or purple that depicts in the map "His Empire."

(2) *Economic Motive.* Secondly, it is a product of the desire of the capitalists to have bigger profits from their investments. These can be secured if they control the largest markets for selling their goods without any fear of competition from the capitalists of other nations. The capitalists, therefore, encourage the conquest of other nations, so that the territories of the conquered countries may serve as markets for their goods and provide a useful field for the investment of their surplus capital. Again, the slave countries become the centres for the supply of raw materials for industry.

(3) *Surplus Population.* Thirdly, the increasing population of the nations leads them to find new land to settle their surplus population. In other words, nations want a 'living space' because their old territories are insufficient to feed their increasing population. In the case of most nations, however, this is a mere excuse. They try to increase their popula-

tion by all sorts of inducements and then begin to claim a living space on the ground of this increase.

(4) *Civilising Mission.* Finally, some nations put up an excuse of civilising the backward nations, for building up an Empire. They desire to extend their superior culture, civilisation and religion in distant, unexplored and backward countries of the world. They want to raise the people of these lands to a higher level of cultural standard. The European nations specially argue that God has placed on the shoulders of white man, the burden of civilising and giving peace to the coloured races. This is, however, simple nonsense. The plain fact is, that all imperial nations use the man and material power of the subject nationalities for their own satisfaction and power.

Defects of imperialism. (1) *Leads to Race for Armaments.* Imperialism is, however, extremely costly both to the ruling as well as the ruled nations. It requires use of force for maintaining its domination over subject nations. The rulers have, therefore, always to maintain an efficient army for this purpose. The cost of a modern army is staggering. But this is not all. Each nation that has an empire, wants to organise itself in such a way as to be able to protect itself and its empire from the attack of those who may want to rob it of its possessions. But the preparation of one imperial nation for this purpose means that others also have to make a similar preparation. This starts a race for the building up of the most powerful armaments among all the nations. The race for armaments, means, therefore, an expanding and an ever-increasing burden. The consequence is that each nation labours to produce things for destruction, and few things for joy and beauty. It is always in the grip of a haunting fear of losing its all, and cannot therefore live a healthy life.

(2) *Demoralises the Ruling Nation.* Secondly, the members of the ruling nation become demoralised in character. They begin to love the vagaries of life on

account of living on the tributes of the subject people. They become lazy, indolent, corrupt, ease loving and luxurious and are finally overpowered or suppressed by a more vigorous nation.

(3) *Destroys Liberty.* Thirdly, Imperialism is not only a danger to the character of the people, it also destroys their liberty. The ruling class of the nation becomes dictatorial in its temper on account of its autocratic rule over the subject people. It, therefore, ceases to value the liberty of its own nationals within the country. It cannot tolerate any opposition, or brook any criticism. The nation is finally divided into two classes, of those who rule, and those who are ruled. This division means ultimately the destruction of national life through discord and civil war.

(4) *Is a Breeder of Wars.* Imperialism is further a prolific breeder of wars between the different empires. These wars cause the destruction of many things which are useful for man. They make the whole world poor, desolate and dreary. They promote international jealousy and obstruct human progress.

(5) *Destroys Culture of the ruled Nation.* It brings about the suppression of the culture and genius of the weaker countries and perpetuates their exploitation. It is a menace to their liberty and crushes the development of their soil.

Conclusion. The dangers of imperialism are inherent in all power ideals. The domination of all classes by one class produces the same results within human society, as does imperialism. We may, therefore, say that power ideal is inimical to the welfare of both who seek it and those over whom power is exercised. Power is poison. It may be useful if used for other purposes, but it kills if it is used for its own sake.

True ideal—The service ideal. The true ideal of a man and his society should therefore be not power but realisation of good social life. Every great nation of the world has, however, its own conception of good

life. There is no uniform ideal in which all nations equally behave or had a faith in the past. The Spartans, for example, emphasised bravery and iron physique for its members as the highest ideal. To attain it family life was subordinated and the state took upon itself the task of training brave and hardy youths. The Athenians did not aim at the perfection of their body alone but of their mind and taste as well. Athenian education, therefore, included besides military training, teaching of literature, music and art. The Romans placed highest emphasis on endurance, physical stamina, the preservation of the Roman State and maintenance of its glory at all costs. The Hindus placed the greatest emphasis on the development of spiritual life of citizens and neglected the affairs of the material world.

In the modern world, the nazis and the fascists teach their citizens to believe in the ideal of aggression for national glory. The Englishmen believe in law and order, respect for old institutions, intense and educated patriotism, and a love for justice and liberty. The French believe, or it would be more correct to say believed, in the ideal of equality, liberty and fraternity. There is thus no agreement amongst political philosophers, about a common civic or political ideal.

In our opinion, the true ideal of a citizen and his society should be the ideal of service. Man exists in society not for his self-aggrandisement but to serve the cause of humanity. The greatest ideal of social life is, therefore, to establish the kingdom of God on earth, through service and co-operation. All this is, however, possible only when both the individuals and the society seek to realise their end through a life of love, service and sacrifice; both seek to cast their full weight on the side of justice, liberty and equality; both try to live up to the ideal of devotion to the good all round development of body, mind and spirit and progressive outlook on life.

We may, therefore, say that the following are the essential features of civic ideals :—

The Ideal of Liberty. We have already pointed out in a previous chapter that liberty does not mean absence of restraint but a positive condition of the recognition of rights. Every individual in society must, in this sense, get full liberty to develop his personality. He must be considered a unique personality, whose judgment and experience, humanity cannot afford to lose. Society must value the dignity of human spirit and enable each man to hold his head high, see his own dreams and have his own hopes.

This ideal of liberty with respect to the individual applies also to the case of the nation. Every nation should be free and independent. It should not groan under the heel of oppression of an imperialist power.

The Ideals of Justice. Every citizen of the state should get equal justice in the courts of law provided by the state. In the eyes of law all persons whether high or low, rich or poor, small or big, should be treated alike. There should be no discrimination in justice.

(3) *Equality.* Though absolute equality is impossible of attainment, yet, the society can provide equal opportunities to all persons, for the development of their personality. Society exists for the good of all and not of a few. True civic life, therefore, demands that society shall labour and work not for the good of the favoured few, but for the good of all. It shall make distinction between one human being and another on account of any characteristic which does not go to the root of human personality. In other words, no person shall find his life cramped on account of his sex, colour, creed or occupation.

Co-operation and Harmony. Social life should be a life of peace and harmony. This is possible only when the interests of all individuals, classes and groups, are so harmonised that no vital conflict remains among their interests. The various agencies of society should

become agencies of service and co-operation rather than of conflict and struggle. Nation should co-operate with nation, class with class, association with association and individual with individual.

(5) *Service and Goodwill.* The citizen must be animated by goodwill and inspired with a zeal for service. He must feel himself a devotee of the good dedicated to the service of all. His various pursuits should be to him, not the means of his aggrandisement, but of service. He should realise that through service alone lies his fullest development. He must dethrone money and wars from their high position in modern society and worship knowledge and beauty in their stead. He must undertake his service with devotion and intelligence. Every fibre of his body should vibrate to the grand symphony of service.

(6) *Patriotism.* Patriotism, i.e., love for one's nation should be the chief virtue of a citizen. Narrow sectarian ideals must be subordinated to the well being of the nation as a whole. When national honour or safety of the country are in danger every citizen should be prepared to make the highest sacrifices in the cause of his motherland. The ideal of nationalism should not, however, be allowed to degenerate into vain glory or a domineering outlook which seeks to subordinate other nations to itself. Nationalism should realise itself in the wider field of internationalism.

(7) *Public Spirit.* The citizen should not be apathetic towards public affairs but on the other hand should take an active and sustained interest in affairs which concern the general welfare. He should be ever wide-awake and watchful so that the democratic government of his country may not degenerate into a rule of the interested few. This vigilance must not be limited to the political sphere alone but should extend to every sphere of life where national honour may be at stake. He should also always be prepared to serve in the representative bodies and to work as a juror, a legislator, or an administrator.

(8) *Progressive Outlook.* Progressive and zeal for

reform should be a part of the citizen's ideals. The greatest clog on the wheels of progress of a nation is the accumulated prejudices, superstitions, and evil habits and usages of centuries. A citizen must be bold and intrepid enough to fight against those odds and to rectify them for the benefit of the unborn posterity.

(9) *All Round Growth of Body, Mind and Spirit.* Finally, the society should aim at the fullest, highest and harmonious development of the body, mind and spirit of citizens. It should not place any undue emphasis on the body, as was done by the Spartans in Greece or on the spirit as was done by Indians. It must realise that the healthy growth of the one depends on that of the others. A sound body can shelter vigorous mind and a noble spirit.

It is only when the above ideals of civic life are truly realised that each citizen shall be able to be the most happy and useful to himself and to the society.

TEST QUESTIONS

1. What do you understand by imperialism? What are the various factors that have contributed to its growth? What are its abuses?
2. What are civic ideals? Which in your opinion is the true civic ideal?

BIBLIOGRAPHY

BRYCE, JAMES	...	Modern Democracy
BURNS, C. D.	...	Hindrances to Good Citizenship
BENI PRASAD	...	A. B. C. of Civics
DEWY, JOHN	...	Democracy and Education
GARNER	...	Introduction to the Political Science
Do.	...	Political Science and Government
GETTELL	...	Introduction to Political Science
GIDDINGS	...	Principles of Sociology
HOB HARSE	...	Elements of Social Justice
HENRY JONES	...	Principle of Citizenship
JOAD, E. M.	...	Modern Political Theory
LAY	...	Citizenship
LEACOCK	...	Elements of Political Science
LOWELL, A. L.	...	Public Opinion and Popular Govt.
LASKY	...	Grammar of Politics
MUNRO	...	Social Civics
MAZZINI, JOSEPH	...	The Duties of Man
RAMSAY MUIR	...	Nationalism and Internationalism
SHASTRI, S. S.	...	Rights and Duties of Indian Citizens

